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THE LAWS
OF
BRITISH COLUMBIA,
CONSISTING OF THE
ACTS, ORDINANCES, & PROCLAMATIONS
OF THE
FORMERLY SEPARATE COLONIES OF VANCOUVER ISLAND
AND BRITISH COLUMBIA, AND OF THE UNITED
COLONY OF BRITISH COLUMBIA,
WITH
TABLE OF ACTS, ALPHABETICAL INDEX, AND APPENDIX.

By Authority.



COMPILED AND PUBLISHED BY THE COMMISSIONERS APPOINTED
UNDER "THE REVISED STATUTES ACT, 1871."

VICTORIA, B. C. :
PRINTED AT THE GOVERNMENT PRINTING OFFICE.
1871.

THE LAWS

OF

BRITISH COLUMBIA,

NW

CONSTITUTION OF THE

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ACTS, ORDINANCES & PROCLAMATIONS

OF THE

FORMERLY SEPARATE COLONIES OF VANCOUVER ISLAND
AND BRITISH COLUMBIA, AND OF THE UNITED
COLONY OF BRITISH COLUMBIA,

WITH

TABLE OF ACTS, ORDINANCES, ETC., AND AMENDMENTS

1861-1871

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CONTAINS ALSO A SUMMARY OF THE CONSTITUTION OF THE PROVINCE OF BRITISH COLUMBIA, AND A SUMMARY OF THE ACTS, ORDINANCES, ETC., AND AMENDMENTS, FROM 1861 TO 1871.

PRINTED AT THE PRESS OF THE GOVERNMENT OF BRITISH COLUMBIA, BY J. H. MASON, PRINTER, VICTORIA, B.C.

COMMISSION.

A. MUSGRAVE.

L.S.

VICTORIA by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To The Honourable Henry Pering Pellew Crease,
The Honourable George Phillippo,
and Edward Graham Alston, Esquire.

Greeting.

WHEREAS by "The Revised Statutes Act, 1871," it is provided that it shall be lawful for Our Governor of Our Colony of British Columbia to issue a Commission under the Great Seal of Our said Colony to three persons, constituting them Commissioners for compiling and printing a new Edition of the Laws of Our said Colony of British Columbia;

Now know you that, having every confidence in the ability and discretion of you, and each of you, We do hereby, in pursuance of the powers contained in "The Revised Statutes Act, 1871," and of all other powers and authorities vested in us in this behalf, constitute and appoint you to be Commissioners for compiling and printing in conformity with the provisions contained in "The Revised Statutes Act, 1871," but not further or otherwise, such new Edition of the Laws of Our Colony of British Columbia, as is mentioned in the said Act.

Witness Our right trusty and well beloved Anthony Musgrave, Esquire, Governor and Commander-in-Chief in and over Our Colony of British Columbia, and the Great Seal of Our said Colony hereunto affixed, at Our Government House, in Our City of Victoria, this twenty-seventh day of April, A. D. 1871, and in the thirty-fourth year of Our Reign.

80708

A TABLE

OF THE

LAWS OF THE FORMERLY SEPARATE COLONY OF VANCOUVER ISLAND,

SHOWING THOSE REPEALED AND THOSE NOW IN FORCE.

Number.	Title.	Amended or Repealed.	No. in this Volume.
— (1)	An Act to provide for the Resignation and Vacating of Seats in the House of Assembly in the Colony of Vancouver Island, and for the Election of Members on Vacancies. 23rd August, 1859.	Repealed by 161	1
— (2)	An Act respecting Marriages in the Colony of Vancouver Island and its Dependencies. 5th September, 1859.	Repealed by 89	
— (3)	An Act respecting the Property of Religious Institutions in the Colony of Vancouver Island and its Dependencies. 5th September, 1859.	Repealed by 124	
— (4)	An Act to increase the number of Representatives of the people of this Colony in the House of Assembly. 7th October, 1859.	Repealed by 161	
— (5)	An Act to make provision for the Registration of Voters, and for other purposes relating thereto. 7th October, 1859.	Do.	
— (6)	An Act for the protection of the wooden Bridges in Vancouver Island and its Dependencies. 29th October, 1859.	Extended by 17	
— (7)	An Act to remove doubts as to the Interest of Money in the Colony of Vancouver Island and its Dependencies. 29th October, 1859.	Repealed by 161	
— (8)	An Act to amend the Law relating to the Representation of Vancouver Island and its Dependencies. 3rd November, 1859.	Do.	
— (9)	Proclamation declaring the Port of Victoria, including Esquimalt, a Free Port. 18th January, 1860.	Repealed by Proclamation of 19 Nov., 1866	
— (10)	An Act to provide for the administration of Oaths in the House of Assembly, and the production of Evidence before Committees of the same. 9th July, 1860.	Repealed by 161	
— (11)	An Act for the payment of certain Salaries. 28th August, 1860.	Do.	

Appendix.

Number.	Title.	Amended or Repealed.	No. in this Volume.
(12)	An Act to extend the provisions of the Joint Stock Companies Acts, 1856, 1857, and 1858, to Vancouver Island and its Dependencies. 27th August, 1860.	Repealed by 129	
(13)	An Act to improve the Streets of the Town of Victoria, and to authorize the collection of a Tax, to be called "The Victoria Street Fund." 28th August, 1860.	Repealed by 161	
(14)	An Act for the protection of the Members of Fire Companies of Victoria. 28th August, 1860.	Do.	
(15)	An Act to impose certain Duties in respect of certain Trades and Occupations. 24th October, 1860.	Repealed by (66)	
(16)	An Act for better prohibiting the Sale or Gift of Intoxicating Liquors to the Indians. 2nd November, 1860.	Repealed by 85	
(17)	An Act to provide for the repair, improvement, and regulation of Roads in Vancouver Island and its Dependencies. 24th November, 1860.	Repealed by 118	
(18)	An Act to confirm certain persons in the Fee Simple of the Real Estate which they now hold. 10th December, 1860.	Repealed by 161	
(19)	An Act to levy an Annual Tax of £1 per Centum on the value of all Real Estate in the Colony of Vancouver Island and its Dependencies. 10th December, 1860.	Repealed by (65)	
(20)	An Act to amend the Scale of Fees charged for the Entrance and Clearance of Vessels; Licences to scows, boats, and other craft; and Dues for Landing Permits; as well as other matters relating to the same, in the Port of Victoria, including Esquimalt. 19th December, 1860.	Repealed by (56)	
(21)	An Act for rendering the Administration of Justice in minor Criminal Cases more speedy and certain. 19th December, 1860.	Repealed by 161	
(22)	An Act to declare the Limitation of certain causes of Action and Suit. 19th December, 1860.	Extended by (44) & repealed by 100	
(23)	An Act to amend the "Registration of Voters Act, 1859." 19th December, 1860.	Repealed by 161	
(24)	An Act to Incorporate "The Victoria Gas Company." 19th December, 1860.	- - -	2
(25)	An Act to confirm certain Titles to Real Property in Vancouver Island. 19th December, 1860.	Repealed by 161	Appendix.
(26)	An Act to facilitate the transfer of Real Estate, and to provide for the Registration of Titles. 18th January, 1861.	Amended by (101) & repealed by 143	Appendix.
(27)	Proclamation relating to the acquisition of Land. 19th February, 1861.	Repealed by (60)	Appendix.

Number	Title.	Amended or Repealed.	No. in this Volume.
—(28)	An Act to authorize the Governor of Vancouver Island and its Dependencies to grant certain privileges to the Builder or Builders of a Powder Magazine. 6th February, 1861.	Repealed by 161	
—(29)	Proclamation relating to the acquisition of Land. 21st March, 1861.	Repealed by (60)	Appendix.
—(30)	Proclamation relating to the acquisition of Land. 9th May, 1861.	Do.	Appendix.
—(31)	An Act to authorize the raising of a Loan of Ten Thousand Pounds upon the security of the Dues and Moneys levied by virtue of the "Victoria and Esquimalt Harbour Dues Act, 1860." 16th July, 1861.	Repealed by 10	
—(32)	An Act to provide for and regulate the Sale of Wines, Spirits, Malt and other Liquors. 18th July, 1861.	Amended by (115) Repealed by 76	
—(33)	An Act to extend and amend the provisions of the "Fireman's Protection Act, 1860." 10th September, 1861.	- - -	3
—(34)	An Act to enable Aliens to hold and transmit Real Estate. 28th October, 1861.	Repealed by 93	Appendix.
—(35)	An Act to authorize the continuation of certain Streets in Victoria, Vancouver Island. 29th October, 1861.	Repealed by 161	
—(36)	An Act to amend the Procedure in Civil Cases. 29th October, 1861.	Repealed by 126	
—(37)	An Act to provide for the Naturalization of Aliens. 14th November, 1861.	Repealed by 93	
—(38)	An Act to cure defects in Titles to Real Estate in Vancouver Island and its Dependencies, held by or derived through Aliens. 14th November, 1861.	Repealed by 161	Appendix.
—(39)	An Act for preventing Frauds upon Creditors by secret Bills of Sale of Personal Chattels. 28th November, 1861.	Amended by (123) Repealed by 142	
—(40)	An Act to regulate the business of Pawnbrokers. 28th November, 1861.	Repealed by 161	
—(41)	An Act to facilitate the remedies on Bills of Exchange and Promissory Notes, by the prevention of frivolous or fictitious defences to Actions thereon. 28th November, 1861.	Do.	
—(42)	An Act to enlarge the time limited by the Victoria Gas Company's Act, 1860, for the establishment of Gas Works and Buildings by the Victoria Gas Company. 9th December, 1861.	- - -	4
—(43)	An Act to amend the Trades Licences Act, 1860. 24th December, 1861.	Repealed by (66)	
—(44)	An Act to extend the provisions of the Limitation of Foreign Actions Act, 1860. 24th December, 1861.	Repealed by 100	

Number.	Title.	Amended or Repealed.	No. in this Volume.
(45)	An Act to prohibit Swine and Goats from running at large in the Town of Victoria; and to prohibit Goats from running at large in the settled Districts of Vancouver Island. 15th January, 1862.	- - -	5
(46)	An Act to declare the Law relating to Bankruptcy and Insolvency in Vancouver Island and its Dependencies. 1st February, 1862.	- - -	6
(47)	An Act to authorize the Governor of Vancouver Island and its Dependencies to borrow money for temporary purposes. 29th May, 1862.	Repealed by 161	
(48)	An Act to confirm the appointment of certain Members of the Court of Revision, under "The Real Estate Tax Act, 1860." 12th June, 1862.	Do.	
(49)	An Act to enlarge the time limited by the "Victoria Gas Company's Act, 1860," and the "Victoria Gas Company's Extension Act, 1861," for the establishment of Gas Works and Buildings by the Victoria Gas Company. 3rd July, 1862.	- - -	7
(50)	An Act to authorize the Chief Justice of Vancouver Island and its Dependencies to make certain necessary appointments. 9th July, 1862.	Repealed by 161	
(51)	An Act to establish Fire Limits within the Town of Victoria. 9th July, 1862.	- - -	8
(52)	An Act to protect the Property of a Wife deserted by her Husband. 10th July, 1862.	- - -	9
(53)	An Act to authorize the appointment of a Sanatory Commission for the Town of Victoria, and to define the powers thereof. 19th July, 1862.	Repealed by 161	
(54)	An Act to enable the Surveyor General of Vancouver Island to authorize the closing of part of the old Saanich and Burnside Road, also known as the North Road. 5th August, 1862.	Do.	
(55)	An Act to Incorporate the City of Victoria. 2nd August, 1862.	Repealed by 94	
(56)	An Act to amend the Scale of Fees charged for the Entrance and Clearance of Vessels; Licences to scows, boats, and other craft; and Dues for Landing Permits; as well as other matters relating to the same, in the Port of Victoria, including Esquimalt. 2nd September, 1862.	Amended by (106) Repealed by (124)	
(57)	An Act to authorize the Governor of Vancouver Island to borrow the sum of Forty Thousand Pounds on the security of the General Revenue of the said Colony. 6th September, 1862.	- - -	10
(58)	An Act to enable the Governor of Vancouver Island to borrow the sum of Fifteen Thousand Pounds upon the security of the General Revenue of the Colony. 6th September, 1862.	- - -	11

Number.	Title.	Amended or Repealed.	No. in this Volume.
~(59)	An Act to amend an Act for the preservation of Game. 5th September, 1862.	- - -	12
~(60)	The Vancouver Island Land Proclamation, 1862. 6th September, 1862.	Repealed by 144	Appendix.
—(61)	An Act to authorize the Governor of Vancouver Island and its Dependencies to erect a Powder Magazine for the custody of Gunpowder, and to regulate the Sale, Storage, and Keeping of Gunpowder. 12th December, 1862.	Repealed by 161	
~(62)	An Act to impose certain Stamp Duties on Writings and Deeds. 12th December, 1862.	Repealed by (85)	
~(63)	An Act to increase the number of Representatives for Victoria Town District, and to alter the Limits of the said District. 12th December, 1862.	Repealed by 161	
~(64)	An Act to establish a Decimal System of Accounts in the Colony of Vancouver Island and its Dependencies. 12th December, 1862.	Repealed by 82	
~(65)	An Act to amend the "Real Estate Tax Act, 1860." 17th December, 1862.	Repealed by (282)	
~(66)	An Act to repeal and amend the Laws affecting Trade Licences. 17th December, 1862.	Amended by (108) Repealed by 76	
~(67)	An Act for the regulation of the Harbours of Vancouver Island. 16th February, 1863.	Repealed by 92	
~(68)	An Act for consolidating in one Act certain provisions usually inserted in Acts authorizing the taking of Lands for undertakings of a public nature. 25th February, 1863.	- - -	13
~(69)	An Act for consolidating in one Act certain provisions usually inserted in Acts authorizing the making of Railways. 25th February, 1863.	- - -	14
~(70)	An Act to declare the Fees, Licences, and Dues, payable for the Entrance and Clearance of Vessels; and for Permits for landing Goods; and for Licences to scows, boats, and other small craft, in the Ports of Entry in Vancouver Island, other than Victoria and Esquimalt. 27th February, 1863.	Repealed by 86	
~(71)	An Act to declare the validity of the Debentures issued by the Municipal Council of Victoria. 27th February, 1863.	Repealed by 161	
~(72)	An Act to declare the denominations to be used in the various Stamps issued under the "Stamp Act, 1862." 27th February, 1863.	Do.	
~(73)	An Act to apply the sum of Two hundred and forty-seven thousand two hundred and twenty five Dollars out of the General Revenue of the Colony of Vancouver Island and its Dependencies, to the service of the year One thousand eight hundred and sixty-three. 27th February, 1863.	Do.	

Number.	Title.	Amended or Repealed.	No. in this Volume.
(74)	An Act to apply the sum of Twenty-five thousand seven hundred and five Dollars out of the General Revenue of the Colony of Vancouver Island and its Dependencies, for the payment of certain Salaries and Expenses for the service of the year One thousand eight hundred and sixty-three. 27th February, 1863.	Repealed by 161	
(75)	An Act to grant a supplemental supply of Twenty-four thousand one hundred and twenty-nine Dollars and fifty-three Cents, for the service of the year One thousand eight hundred and sixty-three. 27th February, 1863.	Do.	
(76)	An Act to provide for the Election of a Mayor and Councillors for the City of Victoria, at the expiration of the period for which the present Mayor and Councillors are elected. 30th October, 1863.	Do.	
(77)	An Act to provide an Indemnity for the Mayor and Councillors of the City of Victoria. 28th December, 1863.	Do.	
(78)	An Act to provide for the retirement of David Cameron, Chief Justice of the Colony of Vancouver Island and its Dependencies. 11th March, 1864.	- - -	15
(79)	An Act to Indemnify the Governor for applying certain moneys to the redemption of Municipal Debentures. 11th March, 1864.	Do.	
(80)	An Act to establish Pilots for the Port of Victoria, and for other purposes relating thereto. 12th March, 1864.	Repealed by 87	
(81)	An Act to apply the sum of Two hundred and fifty-seven thousand two hundred and seventy-nine Dollars and fifty Cents out of the General Revenue of the Colony of Vancouver Island and its Dependencies, to the service of the year One thousand eight hundred and sixty-four. 12th March, 1864.	Repealed by 161	
(82)	An Act to grant the right to construct a Telegraph Line connecting Victoria with the Telegraph system of the United States, and for other purposes. 12th March, 1864.	- - -	16
(83)	An Act to enable the Governor to pay out of the General Revenue Six thousand Dollars, for Civic purposes. 8th June, 1864.	Repealed by 161	
(84)	An Act to amend an Act entitled "An Act for the protection of the Wooden Bridges in Vancouver Island and its Dependencies. 7th July, 1864.	- - -	17
(85)	An Act to repeal the "Vancouver Island Stamp Act, 1862. 7th July, 1864.	Repealed by 161	
(86)	An Act to prevent the unauthorized issue of Bank Notes and paper Currency. 7th July, 1864.	- - -	18

Number	Title.	Amended or Repealed.	No. in this Volume.
(87)	An Act to provide for the periodical publication of the Liabilities and Assets of Banks in Vancouver Island and its Dependencies, and for the Registration of the names of the Proprietors thereof. 7th July, 1864.	- - -	19
(88)	An Act to apply the sum of Twenty-six thousand Dollars out of the General Revenue of the Colony of Vancouver Island and its Dependencies, to the service of the year 1864. 7th July, 1864.	Repealed by 161	
(89)	An Act to grant a supplemental supply of Nineteen thousand eight hundred and four Dollars and Twenty-eight Cents, for the service of the year One thousand eight hundred and sixty-three. 7th July, 1864.	Do.	
(90)	An Act to provide for the closing of Wells upon unenclosed Lands in Vancouver Island and its Dependencies. 7th July, 1864.	- - -	20
(91)	An Act for the regulation of Electric Telegraphs within the Colony of Vancouver Island, and to secure secrecy and fidelity in the transmission of Telegraphic Messages. 7th July, 1864.	- - -	21
(92)	An Act to alter and amend "The Fireman's Protection Act, 1861." 7th July, 1864.	- - -	22
(93)	An Act to Incorporate the Israelite Congregation, named "The Emanuel of Victoria, Vancouver Island." 7th July, 1864.	- - -	23
(94)	An Act to authorize the Harewood Railway Company (Limited) to make a Railway from Departure Bay, Nanaimo District, to the Harewood Coal Fields in Mountain District, Vancouver Island. 7th July, 1864.	Repealed by 161	
(95)	An Act to impose a Tax of one-half of one per Centum upon all Real Estate within the City of Victoria, and for other purposes relating thereto. 7th July, 1864.	Do.	
(96)	An Act to authorize the Governor to appropriate certain moneys for the completion of a Dredging Machine, and other instruments and appliances connected therewith. 7th July, 1864.	Do.	
(97)	An Act to provide for the Election of a Mayor and Councillors for the City of Victoria, on the 8th day of November, A. D. 1864. 5th November, 1864.	Do.	
(98)	An Act to appropriate the sum of Twelve hundred Pounds Sterling per annum from the General Revenue of the Colony, for the Salary of a Chief Justice. 5th December, 1864.	Do.	
(99)	An Act respecting Barristers and Attorneys at Law. 30th January, 1865.	Repealed by 81	
(100)	An Act to apply the sum of Two hundred and ninety-eight thousand six hundred and eighteen Dollars and twenty-five Cents out of the General Revenue	Repealed by 161	

Number.	Title.	Amended or Repealed.	No. in this Volume.
	of the Colony of Vancouver Island and its Dependencies, to the service of the year 1865. 30th March, 1865.		
(101)	An Act to amend "The Land Registry Act, 1860" 8th April, 1865.	Repealed by 143	Appendix.
(102)	An Act respecting Common Schools. 15th May, 1865.	Repealed by 122	
(103)	An Act for obtaining a Declaration of Title. 9th June, 1865.	Repealed by 161	
(104)	An Act to repeal a portion of "The First Telegraph Act, 1864." 16th June, 1865.	Do.	
(105)	An Act to amend the manner of taking the verdict of a Jury in Civil Cases. 16th June, 1865.	Do.	
(106)	An Act to amend "The Victoria and Esquimalt Harbour Dues Act, 1862." 16th June, 1865.	Repealed by (124)	
(107)	An Act to impose Landing Permit Dues on the importation of certain Stock and Carcasses. 16th June, 1865.	Repealed by 86	
(108)	An Act to amend An Act passed in the year of Our Lord one thousand eight hundred and sixty-two, entitled "An Act to repeal and amend the Laws affecting Trade Licences." 16th June, 1865.	Repealed by 76	
(109)	An Act to grant a supplemental supply of Thirty-seven thousand six hundred and eight dollars and thirty-nine cents for the service of the year 1864. 21st June, 1865.	Repealed by 161	
(110)	An Act to apply the sum of Fourteen thousand nine hundred and forty dollars out of the General Revenue of the Colony of Vancouver Island and its Dependencies to the service of the year 1865. 21st June, 1865.	Do.	
(111)	An Act to impose a Tax of one-half of one per Centum upon all Real Estate within the City of Victoria, and for other purposes relating thereto. 24th June, 1865.	Do.	
(112)	An Act to impose a Tax on Salaries, and for other purposes. 28th June, 1865.	Repealed by 76	
(113)	An Act to explain "The Chief Justice's Salary Act, 1864." 4th July, 1865.	Repealed by 161	
(114)	An Act to enlarge the time limited by "The Harewood Railway Company Act, 1864," for making and completing a Railway from Departure Bay, Nanaimo District, to the Harewood Coal Fields, in Mountain District, Vancouver Island. 15th February, 1866.	Do.	
(115)	An Act to amend "The Liquor Licence Act, 1861." 8th June, 1866.	Repealed by 76	

Number.	Title.	Amended or Repealed.	No. in this Volume.
(116)	An Act to facilitate the recovery of small Debts and other demands. 8th June, 1866.	Repealed by 95	24
(117)	An Act to enable the Governor of Vancouver Island to borrow the sum of Ninety thousand Dollars upon the security of the General Revenue of the Colony. 12th July, 1866.	- - -	
(118)	An Act to amend the Law of Partnership. 12th July, 1866.	Repealed by 116	25
(119)	An Act to exempt the Homestead and other Property from forced Seizure and Sale in certain cases. 21st August, 1866.	Repealed by 77	
(120)	An Act to amend the Law of Arrest and Imprisonment for Debt. 21st August, 1866.	- - -	26
(121)	An Act to regulate the number of Persons required to form a Coroner's Jury in Vancouver Island and its Dependencies. 21st August, 1866.	- - -	
(122)	An Act to amend the Road Act, 1860. 17th September, 1866.	Repealed by 118	142
(123)	An Act to amend the Bills of Sale Act, 1861. 17th September, 1866.	Repealed by 142	
(124)	An Act to amend the Scale of Fees charged for the Entrance and Clearance of Vessels; Licences to scows, boats, and other craft; and Dues for Landing Permits; as well as other matters relating to the same, in the Port of Victoria, including Esquimalt. 17th September, 1866.	Repealed by 86	

A TABLE OF THE LAWS OF THE FORMERLY SEPARATE COLONY OF BRITISH COLUMBIA,
SHOWING THOSE REPEALED AND THOSE NOW IN FORCE.

(125)	Proclamation respecting sale or gift of Intoxicating Liquor to Indians. 6th September, 1858.	Repealed by (230)	Appendix.
(126)	Proclamation respecting Sale of Lands on Fraser River. 15th September, 1858.	- - -	
(127)	Proclamation respecting revocation of Crown Grant to Hudson's Bay Company. 3rd November, 1858.	- - -	Appendix.
(128)	Proclamation respecting an Act to provide for the Government of British Columbia, 21 & 22 Vict., c. 99. 19th November, 1858.	- - -	Appendix.
(129)	Proclamation having the force of law to indemnify the Governor and other Officers for acts done before the establishment of any legitimate authority in British Columbia. 19th November, 1858.	Repealed by 161	70
(130)	Proclamation having the force of law to declare that English Law is in force in British Columbia. 19th November, 1858.	Repealed by 70	

Number.	Title.	Amended or Repealed.	No. in this Volume.
(131)	Proclamation having the force of law to enable the Governor to convey Crown Lands sold within the Colony. 2nd December, 1858.	Repealed by 161	Appendix.
(132)	Proclamation respecting Duties of Customs. 3rd December, 1858.	Do.	
(133)	Proclamation authorizing the Judge of the Supreme Court to do certain acts in British Columbia causes. 24th December, 1858.	Repealed by 112	Appendix.
(134)	Order of Court.	- - -	27
(135)	Proclamation respecting collection of Duties payable by Miners, and Vendors of Liquors, and other Traders, and the granting of Licences to such persons. 8th February, 1859.	Repealed by (145)	
(136)	Proclamation respecting the method to be pursued with respect to the alienation and possession of Agricultural Lands, and of Lands proposed for sites for Towns, in British Columbia; and with reference also to the places for levying Shipping and Customs Duties; and for establishing a Capital and Port of Entry in the said Colony. 14th February, 1859.	Repealed in part by (241), and wholly by 144	Appendix.
(137)	Proclamation respecting Duties to be collected on open Boats entering Fraser River. 5th March, 1859.	Repealed by 161	
(138)	Proclamation respecting the Naturalization of Aliens. 14th May, 1859.	Repealed by 93	Appendix.
(139)	Proclamation to give relief to the consciences of all persons who shall conscientiously be unwilling to be sworn. 19th May, 1859.	Repealed by 74	
(140)	Proclamation altering the rates of Duties of Customs. 2nd June, 1859.	Repealed by (217)	
(141)	Proclamation declaring the Constitution of the Supreme Court of Civil Justice of British Columbia. 8th June, 1859.	- - -	28
(142)	Proclamation respecting Tonnage, Pilotage, and Harbour Dues on all Vessels clearing at the Port of Queenborough for parts beyond sea, or entering inwards. 15th June, 1859.	Repealed in part by (257), and wholly by 86	
(143)	Proclamation defining time when dues, moneys, and fees, payable under Proclamation of 15th June, 1859, shall become payable. 25th June, 1859.	Repealed by 86	
(144)	Proclamation changing the name of Queenborough to New Westminster. 20th July, 1859.	- - -	29
(145)	Proclamation to amend the Laws relating to the Licences for selling fermented Liquors, and for the occupation of Crown Lands by Traders, and for other purposes. 10th August, 1859.	Repealed by (249) and 76	
(146)	Proclamation to make provision for regulating the Law of Gold Mines in British Columbia, and for the	Repealed by (228)	

Number	Title.	Amended or Repealed.	No. in this Volume.
	Administration of Justice therein. (Gold Fields Act, 1859.) 31st August, 1859.		
(147)	Rules and Regulations for the working of Gold Mines, issued in conformity with the Gold Fields Act, 1859. 7th September, 1859.	Repealed by (228)	
(148)	Proclamation to afford a clear and speedy method of recovering small Debts and demands in British Columbia. 10th December, 1859.	Repealed by (256)	
(149)	Proclamation imposing 12s. per ton on all Goods leaving New Westminster. 10th December, 1859.	Repealed by 86	
(150)	Proclamation extending the Joint Stock Companies' Acts, 1856 and 1857, to British Columbia. 10th December, 1859.	Repealed by 65	
(151)	Proclamation respecting the acquisition of Land in British Columbia. 4th January, 1860.	Repealed by (170) and 144	Appendix.
(152)	Rules and Regulations for the working of Gold Mines, issued in conformity with the Gold Fields Act, 1859. 6th January 1860.	Repealed by (228)	
(153)	Proclamation providing that Town Lots, Suburban Lots, and surveyed agricultural lands offered for sale at Public Auction, and remaining unsold, may be sold by private contract. 20th January, 1860.	Repealed by 144	Appendix.
(154)	Proclamation to obviate the difficulty in procuring a sufficient number of British Subjects to sit upon Grand and Petit Juries. 8th March, 1860.	- - -	30
(155)	Proclamation to enable the High Sheriff to act as a Justice of the Peace, and in other respects to alter the Law relating to Sheriffs. 8th March, 1860.	Repealed by 68	
(156)	Proclamation giving relief to Lessees of Town Lots at Lytton, Douglas, Fort Hope, and Fort Yale. 8th May, 1860.	Repealed by 161	
(157)	Proclamation to establish a Municipal Council in the City of New Westminster. 16th July, 1860.	- - -	31
(158)	Proclamation making provision for the issue of Bonds for the payment for the construction of a Trail or Road, called the Fort Yale and Spuzzem Road. 10th August, 1860.	Repealed by 161	
(159)	Proclamation making provisions for the issue of Bonds for the payment for the construction of a Trail or Road, called the Shimikomeen Road. 20th August, 1860.	Do.	
(160)	Proclamation for altering the rates of Duties of Customs leviable upon Goods imported into British Columbia, and to make further provision for the levying thereof. 20th August, 1860.	Repealed by 79	
(161)	Proclamation for establishing and levying Road Tolls; such Tolls to be applied in forming, maintaining,	- - -	32

Number.	Title.	Amended or Repealed.	No. in this Volume.
	and improving the land communication from the points at which such Tolls may respectively be levied. 15th October, 1860.		
(162)	Proclamation imposing Duties, Tolls, and Fines on goods, wares, animals, and merchandize imported into British Columbia, which shall not have been entered at New Westminster. 22nd December, 1860.	- - -	33
(163)	Proclamation having regard to the form of Land acquired under provisions of previous Proclamations. 19th January, 1861.	Repealed by 144	Appendix.
(163A)	Proclamation lowering the price of Country Lands. 19th January, 1861.	Do.	Appendix.
(164)	Proclamation to afford remissions in the purchase money of Country Lands purchased for actual settlement, to certain Officers of Her Majesty's Royal Army and Navy, in certain cases. 18th March, 1861.	Repealed by 43	
(165)	Proclamation repealing Proclamation of 15th June, 1859, as far as relates to half Pilotage on certain Vessels. 9th May, 1861.	Repealed by (257)	
(166)	Proclamation respecting Grants of certain pieces of Land to the Roman Catholic Bishop of British Columbia. 10th May, 1861.	- - -	34
(167)	Proclamation respecting occupation of Pre-empted Land. 28th May, 1861.	Repealed by (170) and 144	Appendix.
(168)	Proclamation for protecting Members of Fire Companies in New Westminster in their efforts to prevent the destruction of property by fire. 16th July, 1861	- - -	35
(169)	Proclamation for effectually securing the title to and facilitating the transfer of Real Property in the Colony of British Columbia, and for providing means for registering matters affecting the same. 26th August, 1861.	Extended by (208) & repealed by 143.	Appendix.
(170)	Proclamation to amend and consolidate the Laws affecting the settlement of unsurveyed Crown Lands in British Columbia. 27th August. 1861.	Repealed by (241)	Appendix.
(171)	Proclamation respecting Distiller Licences, and regulations respecting Distillers. 10th September, 1861.	Repealed by 91	
(172)	Proclamation to increase the limits of the Municipality and the number of Councillors of New Westminster, and to extend the New Westminster Municipal Council Act, 1860. 22nd October, 1861.	- - -	36
(173)	Proclamation making provision for the issue of Bonds for the construction of a Road called the Harrison-Lillooet Portage Road. 29th October, 1861.	Repealed by 161	
(174)	Proclamation for raising by loan secured on the General Revenue of the Colony, funds for the construction and maintenance of Roads and other means of	Repealed by (175) and (179)	

Number.	Title.	Amended or Repealed.	No. in this Volume.
	communication in the said Colony. 14th November, 1861.		
(175)	Proclamation for raising by loan, funds for the construction and maintenance of Roads and other means of communication, and to make provision for the redemption of such loan, and to repeal the British Columbia Roads Act, 1861. 26th July, 1862.	Repealed by (179)	
(176)	Proclamation to effect an immediate loan or loans upon the credit of the moneys to arise from the sale of Debentures under the British Columbia Roads Loan Act, 1862. 28th July, 1862.	Do.	
(177)	Proclamation creating certain Tolls to be collected on the completion of the Lillooet-Alexandria Road. 18th August, 1862.	- - -	37
(178)	Proclamation creating certain Tolls to be collected on the completion of the Lytton-Alexandria Road. 18th August, 1862.	- - -	38
(179)	Proclamation for raising by loan, funds for the construction and maintenance of Roads, and to make provision for the redemption of such loan, and to repeal the British Columbia Roads Loan Act, 1861, and the British Columbia Roads Loan Act, 1862, and the Temporary Loan Act, 1862. 22nd August, 1862.	- - -	39
(180)	Proclamation for removing doubts whether the Proclamation of 19th November, 1858, imports into British Columbia the Laws in force in England for the proper observance of the Lord's day. 22nd August, 1862.	Repealed by 161	
(181)	Proclamation for putting an end to the evasion of Tolls imposed by the Lytton Alexandria-Road Toll Act, 1862. 29th September, 1862.	- - -	40
(182)	Proclamation for giving authority to the Municipal Council of New Westminster to raise a Loan or Loans upon the security of the Revenues of the said City. 29th September, 1862.	- - -	41
(183)	Proclamation making further Rules and Regulations under Gold Fields Act, 1862. 29th September, 1862.	Repealed by (228)	
(184)	Proclamation for the issue of Bonds for meeting the expenditure necessary to carry on and complete for public use the main routes of the Colony in process of construction. 13th January, 1863.	- - -	42
(185)	Proclamation repealing Proclamation of 18th March, 1861, respecting certain remissions in the purchase money of Country Lands to certain Officers in Her Majesty's Army and Navy, and substituting Free Grants of Land for remission of purchase money. 23rd February, 1863.	- - -	43
(186)	Proclamation creating further Tolls in addition to those imposed by the Roads Toll Act 1863. 24th Feb., 1863.	- - -	44

Number	Title.	Amended or Repealed.	No. in this Volume.
(187)	Rules and Regulations issued in conformity with the Gold Fields Act, 1859. 24th February, 1863.	Repealed by (228)	
(188)	Proclamation to define the rights of registered Free Miners in their claims. 25th March, 1863.	Do.	
(189)	Proclamation for raising Funds by Loan secured on the General Revenue, for the prosecution and maintenance of Roads, and to make provision for the redemption of such Loan, and for the repeal of certain powers conferred by the Road Bonds Act, 1863. 14th May, 1863.	- - -	45
(190)	Proclamation for removing doubts as to whether the Proclamation of the 19th November, 1858, imports into British Columbia the Laws in force in England for the proper observance of the Lord's day. 18th May, 1863.	- - -	46
(191)	Proclamation for the protection of Miners from being obstructed by the claims and exactions of persons holding Land under the Pre-emption Consolidation Act, 1861. 27th May, 1863.	Repealed by (228)	
(192)	Proclamation to regulate the admission of persons who shall be allowed or entitled to practice in the Superior Courts of the Colony, whether Barristers-at-Law, Attorneys, or otherwise. 18th June, 1863.	- - -	47
(193)	Proclamation for the issue of Bonds for raising funds for the payment for the construction of the Cook's Ferry and Clinton Road. 30th June, 1863.	- - -	48
(194)	Proclamation authorizing the collection of Tolls on animals, goods, &c., passing over the Alexandra Bridge. 21st September, 1863.	Repealed by 161	
(195)	Proclamation for enlarging the limits of the City of New Westminster for Municipal purposes. 23rd September, 1863.	- - -	49
(196)	Proclamation enabling Her Majesty, Her heirs and successors to pay to certain Crown Officers out of the General Revenue, the Salaries therein mentioned. 24th September, 1863.	- - -	50
(197)	An Ordinance to promote the Drainage of Mines. 1st February, 1864.	Repealed by (228)	
(198)	An Ordinance confirming certain Proclamations. 2nd February, 1864.	Repealed by 161	
(199)	An Ordinance to apply the sum of One hundred and thirty-five thousand six hundred and thirty-nine pounds, sixteen shillings, and seven pence, Sterling, out of the General Revenue of the Colony of British Columbia and its Dependencies, to the service of the year 1864. 18th February, 1864.	Do.	
(200)	An Ordinance to extend and improve the Laws relating to Gold Mining. 26th February, 1864.	Repealed by (228)	

Number.	Title.	Amended or Repealed.	No. in this Volume.
(201)	An Ordinance for the construction of a Toll Bridge across Thompson River. 26th February, 1864.	- - - -	51
(202)	An Ordinance for the amendment of the "Licences Act, 1859." 10th March, 1864.	Repealed by (249)	
(203)	An Ordinance to authorize a Loan of £100,000. 10th March, 1864.	- - - -	25
(204)	An Ordinance to authorize the introduction of Steam Traction Engines into British Columbia. 10th March, 1864.	Repealed by 161	
(205)	An Ordinance to encourage the construction of a Telegraph Line connecting British Columbia with the Telegraph Lines of the United States, and for other purposes. 10th March, 1864.	- - - -	53
(206)	An Ordinance to facilitate the formation of Mining Joint Stock Companies. 4th May, 1864.	Repealed by 65	
(207)	An Ordinance to declare the lawful rate of Interest in the Colony. 4th May, 1864.	Repealed by 71	
(208)	An Ordinance to increase the facilities for Registering Documents relating to Real Property. 4th May, 1864.	Repealed by 143	Appendix.
(209)	An Ordinance for the regulation of the Inland Navigation of British Columbia. 4th May, 1864.	Never assented to.	
(210)	An Ordinance for regulating the Postal Service. 4th May, 1864.	Repealed by 84	
(211)	An Ordinance for the relief of certain Naval and Military Settlers. 4th May, 1864.	Repealed by 161	
(212)	An Ordinance to amend Customs Duties. 4th May, 1864.	Repealed by 79	
(213)	An Ordinance for the protection of Inventions. 4th May, 1864.	Repealed by 75	
(214)	An Ordinance granting a supplemental supply of £60,076 8s. 8d. out of the General Revenue of the Colony of British Columbia and its Dependencies, to the service of the year 1864. 21st December, 1864.	Obsolete.	
(215)	An Ordinance to extend the term of the Steam Traction Engine Ordinance, 1864. 7th February, 1865.	Repealed by 161	
(216)	An Ordinance to amend the Law of Evidence. 8th February, 1865.	Repealed by 74	
(217)	An Ordinance to amend the Duties of Customs. 15th February, 1865.	Repealed by 79	
(218)	An Ordinance in aid of the Trustees' Relief Act. 18th February, 1865.	Repealed by (244)	
(219)	An Ordinance to encourage the construction of a Line of Telegraph connecting the Line of Telegraphs of British Columbia with the Telegraph	- - - -	54

Number.	Title.	Amended or Repealed.	No. in this Volume.
	Line of Russia and other Countries, and for other purposes. 21st February, 1865.		
(220)	An Ordinance for the construction of a Toll Bridge across Thompson River, at Lytton. 22nd February, 1865.	Forfeited.	
(221)	An Ordinance to amend the "First Telegraph Ordinance, 1864." 22nd February, 1865.	- - -	55
(222)	An Ordinance to establish a Decimal system of Accounts in the Colony of British Columbia. 4th March, 1865.	Repealed by 82	
(223)	An Ordinance to apply the sum of £225,946 12s. 8d. out of the General Revenue of the Colony of British Columbia and its Dependencies, to the service of the year 1865. 17th March, 1865.	Repealed by 161	
(224)	An Ordinance to amend the Dues leviable at the Port of New Westminster. 18th March, 1865.	- - -	56
(225)	An Ordinance for the formation and regulation of Municipalities in British Columbia. 22nd March, 1865.	- - -	57
(226)	An Ordinance to amend the Excise Laws. 22nd March, 1865.	Repealed by 91	
(227)	An Ordinance for imposing a Duty on Gold. 25th March, 1865.	Repealed by (254)	
(228)	An Ordinance to amend and consolidate the Gold Mining Laws. 28th March, 1865.	Repealed by 90	
(229)	An Ordinance for the regulation of the Harbours of British Columbia. 29th March, 1865.	Repealed by 92	
(230)	An Ordinance to prohibit the sale or gift of Intoxicating Liquor to Indians. 30th March, 1865.	Repealed by 85	
(231)	An Ordinance to prohibit the unseasonable destruction of Game. 1st April, 1865.	Repealed by (262) and (329)	
(232)	An Ordinance to exempt certain articles from Road and Ferry Tolls, and for other purposes. 3rd April, 1865.	- - -	58
(233)	An Ordinance to prevent the violation of Indian Graves. 3rd April, 1865.	Repealed by 69	
(234)	An Ordinance to amend the Law relating to Bankruptcy and Insolvency in British Columbia. 10th April, 1865.	- - -	59
(235)	An Ordinance respecting Marriage in British Columbia. 11th April, 1865.	Repealed by 89	
(236)	An Ordinance for regulating the amount and application of the Fees to be taken in the Supreme Court of Civil Justice from Suitors therein. 11th April, 1865.	- - -	60

Number.	Title.	Amended or Repealed.	No. in this Volume.
(237)	An Ordinance respecting Arrest and Imprisonment for Debt. 11th April, 1865.	- - -	61
(238)	An Ordinance respecting the the Salary of the Office of Governor. 11th April, 1865.	- - -	62
(239)	An Ordinance to facilitate the creation of Ports of Entry in British Columbia. 11th April, 1865.	Repealed by 83	
(240)	An Ordinance to declare the Limitation of Foreign Suits and Actions. 11th April, 1865.	Disallowed.	
(241)	An Ordinance for regulating the acquisition of Land in British Columbia. 11th April, 1865.	Repealed by 144	Appendix.
(242)	An Ordinance further to facilitate the construction of the Overland Telegraph. 11th April, 1865.	- - -	63
(243)	An Ordinance in confirmation of certain Ordinances. 24th January, 1866.	Repealed by 161	
(244)	An Ordinance in aid of the Trustees' Relief Act. 31st January, 1866.	Repealed by 104	
(245)	An Ordinance to incorporate the Western Union Telegraph Company, in lieu of the Western Union Telegraph <i>Extension</i> Company. 31st January, 1866.	- - -	64
(246)	An Ordinance to apply the sum of \$722,114.05 out of the General Revenue of the Colony of British Columbia and its Dependencies, to the service of the year 1866. 5th March, 1866.	Repealed by 161	
(247)	An Ordinance to amend the Law relating to Joint Stock Companies. 8th March, 1866.	- - -	65
(248)	An Ordinance regulating the Investment of Sinking Funds of Public Loans. 15th March, 1866.	- - -	66
(249)	An Ordinance to consolidate the Laws relating to Licences. 22nd March, 1866.	Repealed by 76	
(250)	An Ordinance authorizing the sale of the Real Estate of Intestates. 22nd March, 1866.	Repealed by (265)	
(251)	An Ordinance for the regulation of Ferries and Bridges. 23rd March, 1866.	Repealed by 72	
(252)	An Ordinance conferring certain privileges on the Williams Creek Bed Rock Flume Company. 29th March, 1866.	- - -	67
(253)	An Ordinance granting a Supplemental Supply of £32,456 7s. 5d., out of the General Revenue of the Colony of British Columbia and its Dependencies, for the service of the years 1864-5 respectively. 29th March, 1866.	Repealed by 161	
(254)	An Ordinance to repeal the Ordinance for imposing a duty on Gold. 29th March, 1866.	Do.	

Number.	Title.	Amended or Repealed.	No. in this Volume.
(255)	An Ordinance further to define the Law regulating the acquisition of Land in British Columbia. 31st March, 1866.	Repealed by 144	Appendix.
(256)	An Ordinance amending the procedure of the County Courts of the Colony of British Columbia. 5th April, 1866.	Repealed by 95	
(257)	An Ordinance for the regulation of Pilotage. 5th April, 1866.	Repealed by 87	
(258)	An Ordinance respecting the conversion of Sterling Money into Decimal Currency incerta in cases. 5th April, 1866.	Repealed by 82	
(259)	An Ordinance to define the jurisdiction of County Courts under the "Small Debts Act, 1859." 5th April, 1866.	Repealed by 95	

A TABLE OF THE LAWS OF THE COLONY OF BRITISH COLUMBIA SINCE THE UNION OF THE TWO FORMERLY SEPARATE COLONIES OF VANCOUVER ISLAND AND BRITISH COLUMBIA, SHOWING THOSE REPEALED AND THOSE NOW IN FORCE.

(260)	An Ordinance of Indemnity for not enforcing certain Local Taxes of Vancouver Island. 12th February, 1867.	Repealed by 161	
(261)	An Ordinance in aid of the Municipal Taxation in Victoria. 12th February, 1867.	Do.	
(262)	An Ordinance to prohibit the unseasonable destruction of Game. 4th March, 1867.	Repealed by (329)	
(263)	An Ordinance to assimilate the Law relating to Sheriffs. 5th March, 1867.	- - -	68
(264)	An Ordinance to prevent the violation of Indian Graves. 5th March, 1867.	- - -	69
(265)	An Ordinance authorizing the Sale of the Real and Personal Estate of Intestates. 5th March, 1867.	Repealed by 103	
(266)	An Ordinance to assimilate the general application of English Law. 6th March, 1867.	- - -	70
(267)	An Ordinance to declare the Law relating to Interest. 6th March, 1867.	- - -	71
(268)	An Ordinance for the regulation of Ferries and Bridges. 6th March, 1867.	- - -	72
(269)	An Ordinance making provision for Barristers-at-Law, Attorneys, Notaries Public, and Articled Clerks, of the late Colony of Vancouver Island. 7th March, 1867.	- - -	73
(270)	An Ordinance to provide for the taking of Oaths and admission of Evidence in certain cases. 15th March, 1867.	- - -	74

Number.	Title.	Amended or Repealed.	No. in this Volume.
(271)	An Ordinance for the protection of Inventions. 19th March, 1867.	- - -	75
(272)	An Ordinance to appropriate the sum of \$566,658.30 out of the General Revenue of the Colony for the Contingent Service of the year 1867. 19th March, 1867.	Repealed by 161	
(273)	An Ordinance to establish a Standard of Weights and Measures. 19th March, 1867.	Repealed by 97	
(274)	An Ordinance to assimilate and amend the Laws relating to Licences and direct Taxes on Persons. 22nd March, 1867.	- - -	76
(275)	An Ordinance to assimilate the Law exempting the Homestead and other Property from forced seizure and Sale in certain cases in all parts of the Colony of British Columbia. 22nd March, 1867.	- - -	77
(276)	An Ordinance to declare the application of the existing Laws of Customs. 25th March, 1867.	- - -	78
(277)	An Ordinance to amend the Duties of Customs. 25th March, 1867.	- - -	79
(278)	An Ordinance to authorize the issue of Debentures for short temporary Loans. 30th March, 1867.	- - -	80
(279)	An Ordinance respecting the Legal Professions. 1st April, 1867.	- - -	81
(280)	An Ordinance to render uniform the Laws establishing a Decimal System of Accounts, and regulating the Currency of the Colony. 2nd April, 1867.	- - -	82
(281)	An Ordinance to assimilate the Law empowering the Governor to create Ports of Entry in British Columbia. 2nd April, 1867.	- - -	83
(282)	An Ordinance to repeal the Real Estate Tax Acts of Vancouver Island. 2nd April, 1867.	Repealed by 161	
(283)	An Ordinance further to extend the time granted to the Harewood Colliery Company, Limited, by "The Harewood Railway Company's Act, 1864," for making and completing a Tramway from the Company's Mines to Departure Bay, Nanaimo. 2nd April, 1867.	Do.	
(284)	An Ordinance to assimilate the Law regulating the Postal Service. 2nd April, 1867.	- - -	84
(285)	An Ordinance to confirm the expenditure of the sum \$141,295.15, for the Service of the Colony of Vancouver Island, for the year 1866. 2nd April, 1867.	Repealed by 161	
(286)	An Ordinance to confirm the expenditure for the Services of the year 1866 not authorized in the grant for that year. 2nd April, 1867.	Do.	
(287)	An Ordinance to assimilate and amend the Law pro-	- - -	85

Number	Title.	Amended or Repealed.	No. in this Volume.
	hibiting the sale or gift of Intoxicating Liquor to Indians. 2nd April, 1867.		
(288)	An Ordinance respecting Harbour and Tonnage Dues, and to regulate the Licences on the Vessels engaged in the Coasting and Inland Navigation trade. 2nd April, 1867.	- - -	86
(289)	An Ordinance to assimilate the Laws for the Regulation of Pilotage in all parts of the Colony of British Columbia. 2nd April, 1867.	- - -	87
(290)	An Ordinance respecting Practitioners in Medicine and Surgery. 2nd April, 1867.	- - -	88
(291)	An Ordinance to regulate the Solemnization of Marriage. 2nd April, 1867.	- - -	89
(292)	An Ordinance to amend the Laws relating to Gold Mining. 2nd April, 1867.	- - -	90
(293)	An Ordinance to regulate Excise in all parts of the Colony. 2nd April, 1867.	- - -	91
(294)	An Ordinance to assimilate the Laws for the regulation of Harbours in all parts of the Colony of British Columbia. 2nd April, 1867.	- - -	92
(295)	An Ordinance to assimilate the Law regarding Aliens in all parts of the Colony of British Columbia. 2nd April, 1867.	- - -	93
(296)	An Ordinance to Incorporate the City of Victoria. 2nd April, 1867.	- - -	94
(297)	An Ordinance to amend and assimilate the procedure of the County Courts in all parts of the Colony of British Columbia. 17th September, 1867.	- - -	95
(298)	An Ordinance to provide for the settlement of all outstanding questions relating to the Sale of Land for Taxes in Vancouver Island. 17th December, 1867.	- - -	96
(299)	An Ordinance to establish a Standard of Weights and Measures. 22nd April, 1868.	- - -	97
(300)	An Ordinance for the more effectual protection of Her Majesty's Naval and Victualling Stores. 22nd April, 1868.	- - -	98
(301)	An Ordinance respecting the Supreme Courts of Justice of British Columbia. 1st May, 1868.	- - -	99
(302)	An Ordinance to assimilate the Law affecting the limitation of certain causes of Actions and Suits. 1st May, 1868.	- - -	100
(303)	An Ordinance to confirm certain Titles to Real Property in Vancouver Island. 1st May, 1868.	Repealed by 161	Appendix.
(304)	An Ordinance respecting the investigation of accidents by Fire. 1st May, 1868.	- - -	101



THE LAWS
OF THE
FORMERLY SEPARATE COLONY
OF
VANCOUVER ISLAND.

No. 1.

An Act for the Protection of the Wooden Bridges in Vancouver Island and its Dependencies.

A. D. 1859.

[20th October, 1859.]

WHEREAS it is expedient that persons should be prevented from injuring the Wooden Bridges in Vancouver Island and its Dependencies by riding or driving over them at a pace calculated to do injury to such Bridges: AMENDED, No. 17.

Be it enacted by the Governor, on Her Majesty's behalf, by and with the consent of the Legislative Council and Assembly:—

That any person who shall hereafter ride or drive any animal or vehicle over any Wooden Bridge or Causeway, in Vancouver Island, at a pace greater than a walking pace, shall be liable to a fine not exceeding five pounds; or, in default of the payment of such fine, to an imprisonment for a term of not more than seven days, which fine may be recovered in a summary manner before any one of Her Majesty's Justices of the Peace.

No. 2.

A.D. 1860.

An Act to Incorporate the "Victoria Gas Company."

[19th December, 1860.]

WHEREAS an Association, under the name of the "Victoria Gas Company," has been formed for the purpose of furnishing Gas for the use and consumption of the Town and Inhabitants of Victoria, Vancouver Island:

And whereas the Members of the said Association have formed themselves into a Joint Stock Company, with limited liability, under the provisions of the "Vancouver Island Joint Stock Companies Act, 1860:"

And whereas it is expedient to confer upon the said Company, the powers and privileges hereinafter contained:

Be it therefore enacted by the Governor, on behalf of Her Majesty, by and with the consent and advice of the Legislative Council and Assembly of the Colony of Vancouver Island and its Dependencies, as follows:—

1. That the buildings and erections necessary and proper for the manufacture of Gas by the Company, shall be erected and built on the Lot marked 1548, on the official plan of the Town of Victoria.

2. The said Company, subject to the provisions hereinafter contained, shall have the exclusive right, liberty, and privilege of selling Gas in the Town of Victoria, and laying down, relaying, and connecting, disconnecting, and repairing all pipes, along, through, under, and over the streets, alleys, grounds, and thoroughfares of the said Town, that may be necessary for supplying Gas to the consumers thereof, for the term of five years from the final passage of this Act.

3. The Company shall, within one year from the passage of this Act, unavoidable casualties of the sea and fire not preventing, establish Gas works and buildings adequate to the supply of the Town of Victoria, and lay not less than five thousand feet of mains, of an adequate diameter, and supply therefrom to all persons as hereinafter mentioned an adequate amount of Gas, of good quality, at the house, shop, establishment, or residence of the person requiring the same.

4. The Company shall in no case charge more for the Gas they supply, than one pound ten shillings per thousand cubic feet of Gas, and shall supply as much Gas as may be required for lighting the streets of Victoria, within fifty feet of any main laid by the Company, at a price not exceeding one pound five shillings per thousand cubic feet.

5. The Company shall, subject to the provisions hereinafter contained, at their own expense, introduce into and through the

walls or enclosures of the house, shop, establishment, or residence of any person requiring the same, a proper service pipe, with stop cock, and furnish a gas meter, if required, for accurately measuring the supply of Gas to the person requiring the same, at a fair market price, not exceeding the sum of five pounds ten shillings; and shall, during the period of the exclusive privilege hereby granted, keep such service pipe and gas meter in proper order and repair; provided, that it shall not be compulsory on the Company to furnish or introduce the same as aforesaid, into any shop, house, establishment, or residence, at a distance of more than fifty feet from any of their mains.

6. Provided, that any person desiring a supply of Gas may, if the place wherein such Gas is required be distant more than (50) fifty feet from any main, require the Company to supply such service pipe, stop cock, and meter for the price above mentioned, in addition to a sum not exceeding eight shillings and four pence a foot, on each foot of the distance over and above the said (50) fifty feet.

7. The Company may, under the superintendence and subject to the control of the Surveyor General of the Colony, or of the proper officer having the management of the streets and bridges within the Town of Victoria aforesaid, open and break up the soil and pavement, and any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits pipes, conduits, service pipes, and other works, and from time to time repair, alter and remove the same; and also make any sewers that may be necessary for carrying off the washings and waste liquids which may arise in the making of the Gas, and for the purposes aforesaid may remove and raise all earth and materials in and under such streets and bridges; and they may in such streets, erect any pillars, lamps, and other works, and do all other acts which the Company shall from time to time deem necessary for supplying Gas to the inhabitants within the limits of the said Town, doing as little damage as may be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers.

8. Nothing herein contained shall authorize or empower the Company to lay down or place any pipe or other works into, through, or against any building, or any land not dedicated to public use, without the consent of the owners or occupiers thereof, except that the consent of the occupier or tenant under a term of not less than one year, and of the immediate landlord of such tenant, shall be sufficient authority to the Company, and upon obtaining such consent, the Company is hereby empowered to lay down or place any pipe, or other works, into, or through, or against any building, or in any such land occupied or owned by such

A. D. 1860.
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tenant or landlord, notwithstanding that the consent of other persons interested in the premises has not been obtained.

9. Before the Company proceed to open or break up any street, bridge, sewer, drain, or tunnel, they shall give to the Surveyor General, or other person under whose control or management the same may be, notice in writing of their intention to open or break up the same, not less than three clear days before beginning such work, excepting in cases of emergency, arising from defects in any of the pipes or other works, and then as soon as is possible after the beginning of the work, or the necessity for the same shall have arisen.

10. When the Company open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel, they shall, with all convenient speed complete the work for which the same shall be broken up, and shall fill in the ground, reinstate and make good the road, or pavement, or the sewer, drain, or tunnel, so opened or broken up, and carry the rubbish occasioned thereby; and shall at all times, whilst any such road or pavement shall be opened or broken up, cause the same to be fenced and guarded, and shall cause a light, sufficient for the warning of passengers, to be set up and maintained, against or near such road or pavement, where the same shall be opened or broken up, every night during which the same shall be continued open or broken up, and shall keep the road or pavement, which has been so broken up, in good repair for three months after properly replacing the same, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

11. The Company may from time to time, enter into any contract with any person or corporation for lighting or supplying with Gas, any public or private building, or the streets of the said Town, or for providing any person with pipes, burners, meters, and lamps, and for the repair thereof, and the Company may, save as hereinbefore mentioned, let for hire any meter for ascertaining the quantity of Gas consumed or supplied, and any fittings within any building for Gas for such remuneration in money as shall be agreed upon between the Company and any person or corporation to whom the same may be so let.

12. The Clerk, Engineer, or other officer duly appointed for the purpose by the Company, may at all reasonable times enter any building or place lighted with Gas supplied by the Company, in order to inspect the meter, fittings, and works for regulating the supply of Gas, and for the purpose of ascertaining the quantity of Gas consumed or supplied. Provided that the Company shall publicly exhibit and keep exhibited in their office the names of all persons appointed to enter and inspect as aforesaid.

13. If any person supplied with Gas by virtue of this Act,

neglects to pay the rent due for the same to the Company, the Company may stop the Gas from entering the premises of such person, by cutting off the service-pipe, or by such means as the Company shall think fit, and recover the rent due from such person, together with the expense of cutting off the Gas, and the cost of recovering the rent; and in such cases, the Company, their Agents, or workmen, after giving twenty-four hours' previous notice to the occupier, may enter into any such house, building, or premises, between the hours of nine in the forenoon and four in the afternoon, and remove and carry away any pipe, meter, fittings, or other works, the property of the Company, but without prejudice to the rights of any person whose property is damaged by removal aforesaid.

A. D. 1860.

14. This Act may be quoted as the "Victoria Gas Company's Act, 1860."

No. 3.

An Act to Extend and Amend the Provisions of the "Fireman's Protection Act, 1860."

A. D. 1861.

[10th September, 1861.]

WHEREAS the provisions of the "Fireman's Protection Act, 1860," are by the said Act declared to be in force for the space of one year only from the passage thereof:

And whereas it is expedient to re-enact and amend the same:

Be it enacted by the Governor, on Her Majesty's behalf, by and with the consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies, as follows:—

1. The Fire Department of the Town of Victoria shall be organized in the manner following:—

2. The Fire Department shall consist of the existing Fire Companies and such other Companies as may be from time to time admitted pursuant to the By-Laws for the time being regulating the Department.

3. The Officers of the Fire Department shall consist of a Chief Engineer, and an Assistant Engineer, a President, a Secretary, and a Treasurer.

4. There shall be a Board of Delegates consisting of three persons from each Company; the first Delegates shall be elected within seven days after the passage of this Act; the Delegates

A. D. 1861.
—

shall be afterwards elected annually on some day to be fixed by a By-Law.

5. Each member of an admitted Company shall have three votes in the election of Delegates, and he may vote for any three or less number of candidates; but his vote, if given for a less number than three, shall only count as a single vote for each candidate for whom he votes.

6. The Board of Delegates shall have the power of passing By-Laws for the regulation of the Fire Department, which, after the approval in writing of the Governor for the time being, shall be binding and conclusive on all members of the Fire Department.

7. The Board of Delegates shall annually elect a President, Secretary, and Treasurer of the said Fire Department, each member of the Board having one vote for each officer to be elected.

8. The first election of President, Secretary, and Treasurer shall take place on the seventh day after the election of the Board of Delegates. Subsequent elections shall take place on a day certain in each year, to be fixed by By-Law.

9. Until the election of a Chief Engineer and Assistant Engineer, the present Chief Engineer and Assistant Engineer shall continue to hold office.

10. There shall be an annual election for Chief Engineer and Assistant Engineer, at which each member of the Fire Department shall have a vote for Chief Engineer and also a vote for Assistant Engineer; and in case of an equality of votes for either office the President shall have a casting vote.

11. The President of the Department shall call the said election, giving ten days' notice thereof in at least one of the local papers.

12. The election shall be held under such regulations as may be contained in By-Laws to be passed by the Board of Delegates in that behalf.

13. The election of Chief Engineer and Assistant Engineer shall be subject to the approval of the said Governor.

14. No member of a Fire Company admitted as aforesaid shall be liable for damage done by him to the property of any other person, in the extinction of, or attempted extinction of fire, or in the removal of any erection, edifice, or building which, regard being had to the safety of adjacent property, may be reasonably deemed expedient to remove.

15. Provided always that in the destruction or removal of property aforesaid, the immunities hereinbefore given shall not extend to any person who shall act in such removal contrary to or without the order of the Chief Engineer or Assistant Engineer, or

other person who by virtue of some By-Law shall be authorized to direct the actions of the Fire Department.

A. D. 1861.
—

16. Provided, also, that the immunities aforesaid shall not extend to any person who shall in the destruction or removal of any property aforesaid be guilty of malice, wanton mischievousness, or gross negligence.

17. In case of any suit or action brought by any person against any member of any Fire Company so admitted as aforesaid, in respect of damage done by such member, such member may obtain the benefit of this Act by the plea in the words and figures following: "not guilty" by statute, without malice, wanton mischievousness, or gross negligence.

18. This Act may be cited for all purposes as the "Fireman's Protection Act, 1861."

No. 4.

An Act to enlarge the time limited by the "Victoria Gas Company's Act, 1860," for the establishment of Gas Works and Buildings by the Victoria Gas Company.

A. D. 1861.
—

[9th December, 1861.]

WHEREAS, by the third Section of the said Act, it is declared that the said Company shall, within one year from the passage of the said Act, unavoidable casualties of the sea and fire not preventing, establish Gas Works and Buildings adequate to the supply of the Town of Victoria, and lay not less than Five Thousand feet of Mains of an adequate diameter, and supply therefrom to all persons as thereafter mentioned, an adequate amount of Gas of good quality at the house, shop, establishment, or residence of the person requiring the same:

And whereas the said Act was passed on the 19th day of December, A. D. 1860:

And whereas it is expedient to extend the period within which the said Company shall establish, lay, and supply the Works, Buildings, Mains, and Gas aforesaid:

Be it enacted by the Governor, on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies:

1. That the said Company shall and may establish, lay, and supply the Works, Buildings, Mains, and Gas aforesaid, within an

Extension of time
for supplying Gas
granted.

A. D. 1861.

additional period of six months from the expiration of the said twelve months mentioned in the said "Victoria Gas Company's Act, 1860."

Short Title.

2. This Act may be cited as "The Victoria Gas Company's Extension Act, 1861."

No. 5.

A. D. 1862.

An Act to prohibit Swine and Goats from running at large in the Town of Victoria; and to prohibit Goats from running at large in the settled Districts of Vancouver Island.

[15th January, 1862.]

WHEREAS it is expedient to protect property from the depredations of Swine and Goats running at large in the Town and District of Victoria, and other the settled Districts of Vancouver Island:

Therefore, be it enacted by the Governor, on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies, as follows:

Unlawful for Swine and Goats to be at large in the Town, and for Goats to be at large in the District of Victoria.

1. That from and after the expiration of fourteen days from the passage and publication of this Act as hereinafter provided, it shall be unlawful for the owners of Swine, Goats, and Kids, to suffer them to be at large within the limits of the Town of Victoria, and to suffer Goats and Kids to be at large within any of the settled Districts of Vancouver Island; and all such animals as shall be so at large after the said period of fourteen (14) days, shall be considered as trespassing, and may be dealt with as hereinafter provided.

Owners, &c., of premises to shoot such animals when trespassing.

2. That it shall be lawful for the owner or occupier, and for any servant of, or other person in charge for, or employed by the owner or occupier of land or other premises within the limits of the said Town, to shoot or otherwise wound or kill all Goats and Kids, Swine and Pigs, which shall be found trespassing upon, or near to, any such land or premises; and no penalty or liability shall be incurred, and no compensation shall be due to the owner or owners of any of said animals by reason of said killing or wounding while trespassing, or because of trespassing on or near, or while escaping from such land or premises.

Police empowered

3. That it shall be the duty of the Commissioner of Police, and

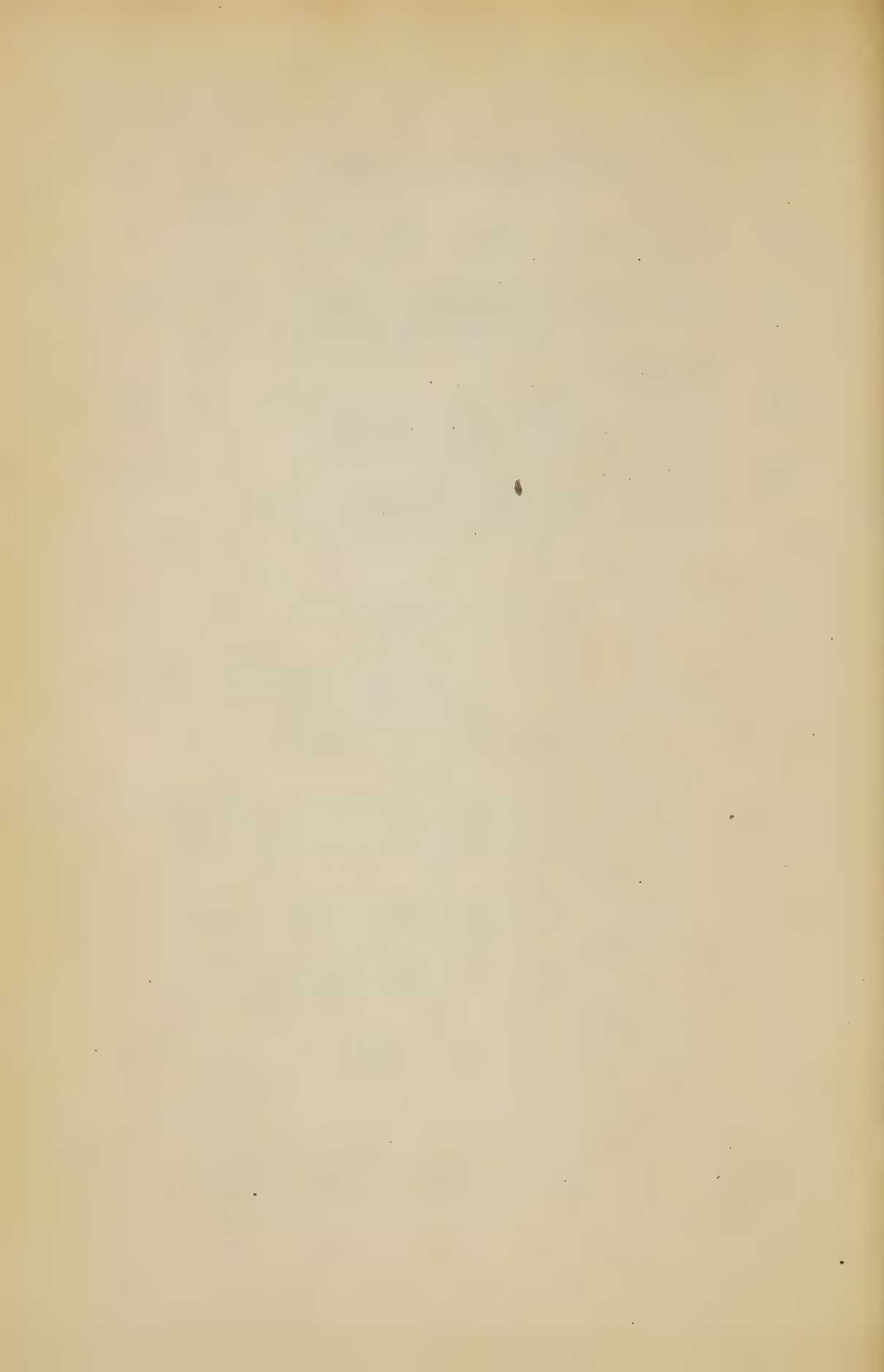
Number.	Title.	Amended or Repealed.	No. in this Volume.
(305)	An Ordinance respecting Barristers and Attorneys-at-Law. 1st May, 1868.	- - -	102
(306)	An Ordinance authorizing the Sale of the Real Estate of Intestates, and for other purposes. 1st May, 1868.	- - -	103
(307)	An Ordinance in aid of the Trustees' Relief Act. 1st May, 1868.	- - -	104
(308)	An Ordinance to amend "The Shipping Ordinance, 1867." 1st May, 1868.	- - -	105
(309)	An Ordinance to extend "The Thompson Bridge Toll Act, 1864." 1st May, 1868.	- - -	106
(310)	An Ordinance to appropriate the sum of \$358,923 05 out of the General Revenue of the Colony, for the contingent service of the year 1868. 1st May, 1868.	Repealed by 161	
(311)	An Ordinance to establish Banks for Savings within the Colony of British Columbia. 23rd February, 1869.	- - -	107
(312)	An Ordinance for promoting the Public Health in the Colony of British Columbia. 23rd February, 1869.	- - -	108
(313)	An Ordinance to appropriate the sum of \$419,335 50 out of the General Revenue of the Colony, for the contingent service of the year 1869. 23rd February, 1869.	Repealed by 161	
(314)	An Ordinance to enable "The Queen Charlotte Coal Mining Company, Limited," to change their Registered Office from the City of New Westminster to the City of Victoria. 24th February, 1869.	- . ,	109
(315)	An Ordinance respecting the appointment of Commissioners to take Affidavits and Bail, and for the making of Statutory Declarations. 24th February, 1869.	- - -	110
(316)	An Ordinance respecting the Reconveyance of Vancouver Island to the Crown. 25th February, 1869.	- - -	111
(317)	An Ordinance further to extend the time granted to the Harewood Colliery Company, Limited, by "The Harewood Railway Company's Act, 1864," for making and completing a Tramway from the Company's Mines to Departure Bay, Nanaimo. 1st March, 1869.	Repealed by 161	
(318)	An Ordinance to regulate the Supreme Courts of Justice of British Columbia. 1st March, 1869.	- - -	112
(319)	An Ordinance to provide for the Fencing of Land in British Columbia. 1st March, 1869.	- - -	113
(320)	An Ordinance for the better protection of Cattle, and the better prevention of Cattle Stealing. 9th March, 1869.	- - -	114
(321)	An Ordinance respecting Pre-emption Claims. 10th March 1869.	Repealed by 144	Appendix.

Number	Title.	Amended or Repealed.	No. in this Volume.
(322)	An Ordinance respecting Stipendiary Magistrates. 10th March, 1869.	- - -	115
(323)	An Ordinance to amend the Law of Partnership. 10th March, 1869.	- - -	116
(324)	An Ordinance "granting a supplemental supply of \$134,465 98, out of the General Revenue of the Colony of British Columbia and its Dependencies, for the contingent service of the years 1866-7, respectively. 10th March, 1869.	Repealed by 161	
(325)	An Ordinance to establish a Volunteer Force. 9th March, 1869.	- - -	117
(326)	An Ordinance to provide for the maintenance, improvement, and construction of Roads in British Columbia. 9th March, 1869.	- - -	118
(327)	An Ordinance respecting the practise of Surgery, and for the encouragement of the study of Anatomy. 11th March, 1869.	- - -	119
(328)	An Ordinance to amend the Procedure in Civil Cases. 9th March, 1869.	- - -	120
(329)	An Ordinance entitled the "Game Ordinance, 1869." 12th March, 1869.	Repealed by 133	
(330)	An Ordinance to enable the Municipal Council of the City of Victoria to establish a permanent fund for the support of the Fire Establishments of the said City. 13th March, 1869.	- - -	121
(331)	An Ordinance to establish Public Schools throughout the Colony of British Columbia. 13th March, 1869.	- - -	122
(332)	An Ordinance to facilitate the working of Mineral Lands. 10th March, 1869.	- - -	123
(333)	An Ordinance respecting the property of Religious Institutions in the Colony of British Columbia. 15th March, 1869.	- - -	124
(334)	An Ordinance respecting Indian Reserves. 15th March, 1869.	- - -	125
(335)	An Ordinance to amend "The County Court Ordinance, 1867." 15th March, 1869.	- - -	126
(336)	An Ordinance to enlarge and amend the "Victoria Municipal Ordinance, 1867." 15th March, 1869.	- - -	127
(337)	An Ordinance to encourage the establishment of Investment and Loan Societies. 20th August, 1869.	- - -	128
(338)	An Ordinance respecting "The Companies' Ordinance, 1866." 20th August, 1869.	- - -	129
(339)	An Ordinance to appropriate the sum of \$340,105 75, out of the General Revenue of the Colony, for the contingent service of the year 1870. 24th March, 1870.	Repealed by 161	

Number.	Title.	Amended or Repealed.	No. in this Volume.
(340)	An Ordinance granting a supplemental supply of \$201,585 04, out of the General Revenue of the Colony of British Columbia and its Dependencies, for the contingent service of the years 1868-9, respectively. 24th March, 1870.	Repealed by 161	
(341)	An Ordinance respecting Practitioners in Medicine and Surgery. 24th March, 1870.	- - -	130
(342)	An Ordinance to facilitate the Issue of Crown Grants. 13th April, 1870.	- - -	131
(343)	An Ordinance to amend "The Common School Ordinance, 1869. 20th April, 1870.	- - -	132
(344)	An Ordinance entitled the "Game Ordinance, 1870." 20th April, 1870.	- - -	133
(345)	An Ordinance to create a further Duty of Customs for the Public Service. 20th April, 1870.	- - -	134
(346)	An Ordinance respecting the Supreme Court. 22nd April, 1870.	- - -	135
(347)	An Ordinance respecting the enforcement of Municipal By-Laws. 22nd April, 1870.	- - -	136
(348)	An Ordinance to alter and amend the "County Court Ordinance, 1867." 22nd April, 1870.	- - -	137
(349)	An Ordinance to authorize a Loan of £75,000. 23rd April, 1870.	- - -	138
(350)	An Ordinance to regulate the Fees of the Supreme Court of British Columbia. 26th April, 1870.	- - -	139
(351)	An Ordinance to amend the "Road Ordinance, 1869." 27th April, 1870.	- - -	140
(352)	An Ordinance to prevent Desertion from Merchant Ships. 27th April, 1870.	Repealed by 166	
(353)	An Ordinance to make general Regulations for the establishment and management of Cemeteries in the Colony of British Columbia. 28th April, 1870.	- - -	141
(354)	An Ordinance to assimilate and amend the Law relating to Bills of Sale. 11th May, 1870.	- - -	142
(355)	An Ordinance to assimilate the Law relating to the Transfer of Real Estate, and to provide for the Registration of Titles to land throughout the Colony of British Columbia. 1st June, 1870.	- - -	143
(356)	An Ordinance to amend and consolidate the Laws affecting Crown Lands in British Columbia. 1st June, 1870.	- - -	144
(357)	An Act to appropriate the sum of \$347,535-01, out of the General Revenue of the Colony, for the Contingent Service of the Year 1871. 6th February, 1871.	- - -	145

Number.	Title.	Amended or Repealed.	No. in this Volume.
(358)	An Act to exempt the "Lane and Kurtz Cariboo Mining Company" from the Payment of Duties and Road and Bridge Tolls, on certain Machinery imported, and yet to be imported, by them for Mining purposes. 6th February, 1871.	- - -	146 ✓
(359)	An Act to amend and alter the Constitution of this Colony. 14th February, 1871.	- - -	147 ✓
(360)	An Act granting a Supplemental Supply of \$45,969-07, out of the General Revenue of the Colony of British Columbia and its Dependencies, for the Contingent Service of the Year 1870. 24th February, 1871.	- - -	148
(361)	An Act to amend "The Tolls Exemption Ordinance, 1865." 24th February, 1871.	- - -	149
(362)	An Act respecting Literary Societies and Mechanics' Institutes. 24th February, 1871.	- - -	150
(363)	An Act relating to proceedings under "The Tax Sale Repeal Ordinance, 1867." 2nd March, 1871.	- - -	151
(364)	An Act to encourage the introduction into British Columbia of Thomson's Patent Road Steamers. 8th March, 1871.	- - -	152
(365)	An Act to repeal "The Customs Amendment Ordinance, 1870." 8th March, 1871.	- - -	153
(366)	An Act to amend the "Fire Companies' Aid Ordinance, 1869." 8th March, 1871.	- - -	154
(367)	An Act to enlarge the time fixed by "The Road Amendment Ordinance, 1870," for the sitting of the Court of Appeal constituted under the said Ordinance, during the present year. 8th March, 1871.	- - -	155
(368)	An Act to amend the Law as to the qualification of Electors, and of Elective Members for the Legislature, and to provide for the Registration of Persons entitled to Vote at Elections of such Members. 14th March, 1871.	- - -	156 ✓
(369)	An Act to regulate Elections of Members of the Legislature of this Colony. 22nd March, 1871.	- - -	157 ✓
(370)	An Act to prevent Bribery, Treating, and undue influence at Elections of Members of the Legislature. 27th March, 1871.	- - -	158 ✓
(371)	An Act to enable the Governor to grant Charters for Tolls. 25th March, 1871.	- - -	159
(372)	An Act to provide for a permanent Civil List. 27th March, 1871.	- - -	160
(373)	An Act to repeal certain Acts, Ordinances, and Proclamations. 27th March, 1871.	- - -	161
(374)	An Act to Incorporate Charitable, Philanthropic, and Provident Associations. 28th March, 1871.	- - -	162

Number.	Title.	Amended or Repealed.	No. in this Volume.
(375)	An Act for Compiling and Printing a New Edition of the Laws of the Colony of British Columbia. 28th March, 1871.	- - -	163
(376)	An Act to abolish Road Tolls on all Articles coming from the Interior of the Colony, in the direction of the Seaboard. 28th March, 1871.	- - -	164
(377)	An Act to amend the "Investment and Loan Societies Ordinance, 1869." 28th March, 1871.	- - -	165
(378)	An Act to prevent Desertion from Merchant Ships. 28th March 1871.	- - -	166
(379)	An Act to make provision for enquiring into Controverted Elections and Disputed Returns of Members to serve in the Legislature. 30th March, 1871.	- - -	167
(380)	An Act to exempt (in certain cases) Cattle farmed on shares, and their increase, from the operation of any Bankruptcy or Insolvency Laws. 30th March, 1871.	- - -	168



THE LAWS

OF

BRITISH COLUMBIA,

IN FORCE AT THE DATE OF

UNION WITH CANADA.

he is hereby authorized, to order the Police to kill all and every of the before mentioned animals which they shall find to be at large on the public streets and roads, and on any public or private property within the limits of the Town of Victoria, as well as all Goats and Kids at large in the settled Districts of Vancouver Island; and all Justices of the Peace in the said Districts are also hereby authorized to order the destruction of all Goats and Kids at large in the said Districts. And no Policeman, Constable, or other Peace Officer, or any person assisting either of them while acting under the authority of the said Commissioner of Police, or of any such Justice of the Peace, shall incur any liability or penalty by reason of the wounding or killing of any of said animals so trespassing.

A. D. 1862.

to destroy all such animals as shall be found trespassing.

4 That the limits of the Town of Victoria shall, for the purposes of this Act, be as follows: Until the passage of some Act incorporating the City of Victoria, the said limits shall be the electoral limits as now subsisting; and from and after the passage of such Act, the limits aforesaid shall be the same as those of the Municipality.

Limits of town defined.

5. Provided, that nothing herein contained shall be construed to prohibit persons from keeping Swine and Goats shut up or confined within suitable buildings or enclosures. Provided further, the keeping of the said animals in the buildings and enclosures mentioned, shall not occasion a nuisance.

This Act not to prohibit the keeping of Swine and Goats confined.

6. This Act shall take effect fourteen days after the passage and publication thereof, in one of the newspapers published in Victoria.

This Act to come into effect fourteen days after the passage thereof.

No. 6.

An Act to declare the Law relating to Bankruptcy and Insolvency in Vancouver Island and its Dependencies.

A. D. 1862.

[1st February, 1862.]

WHEREAS doubts have been entertained as to the application of the English Bankrupt and Insolvent Laws to this Colony:

And, whereas, it is expedient to remove such doubts:

Be it enacted by His Excellency the Governor, on Her Majesty's behalf, by and with the consent of the Legislative Council and Assembly, as follows:

1. The Laws of Bankruptcy and Insolvency in England, subject to the provisions of this Act, shall be deemed and taken to be the Laws of Bankruptcy and Insolvency within this Colony.

A. D. 1862.

As to the Court of Bankruptcy.

Jurisdiction in Bankruptcy vested in the Chief Justice of the Supreme Court and a Commissioner of Bankruptcy.

Powers of the Court.

2. The Jurisdiction in Bankruptcy shall be administered by the Chief Justice of Vancouver Island and its Dependencies, and by a Commissioner in Bankruptcy.

3. The Court of Bankruptcy shall have and exercise for the purposes of this Act, all the Jurisdiction, Powers, and Authorities of the Superior Courts of Law and Equity, and shall be a Court of Record. And the said Court, and the Chief Justice, and the Commissioner thereof, shall have and use all the powers, rights, incidents, and privileges of a Court of Record, as fully as the same are used and enjoyed by any of Her Majesty's Courts of Law or Judges at Westminster. And the Chief Justice and the Commissioner shall singly and simultaneously or otherwise, as occasion may require, be and form the Court for every purpose under this Act, except where otherwise in this Act specially provided.

Governor to appoint Commissioner.

4. It shall be lawful for the Governor for the time being from time to time to appoint a fit person, being a Sergeant-at-Law or Barrister-at-Law, to be Commissioner in Bankruptcy. Such Commissioner shall be incapable of being elected a Member of the House of Assembly, and shall (when appointed) have primary jurisdiction in all cases where an affidavit is filed in the Supreme Court by the Bankrupt, or any petitioning Creditor or Creditors, that the assets of the proposed Bankrupt do not amount to £500.

Jurisdiction.

Oath of Commissioner.

5. The Commissioner shall before executing any of the duties of his Office take the following oath, which the Chief Justice is hereby authorized and required to administer:—

“I, A. B., do solemnly and sincerely promise and swear, that I will duly and faithfully, and to the best of my skill and power, execute the office of Commissioner in Bankruptcy. So help me God.”

As to the Officers of the Court.

Registrar of Supreme Court to be Registrar and Taxing Master of Bankruptcy Court.

Sheriff to act as Messenger.

6. The person discharging the duties of Registrar and Master of the Supreme Court of Civil Justice, shall act as Registrar and Taxing Master in Bankruptcy.

7. The Sheriff of Vancouver Island shall discharge the duties of Messenger in all matters of Bankruptcy and shall give such security in respect of such duties, and shall receive such remuneration in respect of such services as General Orders shall direct.

As to the Accountant in Bankruptcy.

Registrar to be Accountant in Bankruptcy.

8. The duties of Accountant in Bankruptcy shall be discharged by the person discharging the duties of Registrar of the Supreme Court of Civil Justice.

The Official Assignee.

9. It shall be lawful for the Chief Justice, with the approval of the Governor, to appoint some person or persons to act as Official

Assignee or Assignees, who shall enter into such security for the due performance of his or their duties as may be directed by General Orders.

A. D. 1862.

10. The remuneration of the Official Assignees shall be by per centage upon the amount of the assets of the Bankrupt, divisible amongst his Creditors as and by way of dividend of such an amount as may be fixed by General Orders.

11. In all cases of arrangement, supersession, annulling, suspension, or withdrawal of proceedings in Bankruptcy, a proportionate amount of the per centage payable to the Official Assignee shall be ascertained by the Registrar, regard being had to the amount of work done by such Official Assignee which will not be required in consequence of such supersession, annulling, suspension or withdrawal, subject to the review of the Court.

As to the Taxing Master.

12. All Bills of Costs, Charges, Fees, and disbursements of Solicitors and Attorneys and of any Auctioneer, Appraiser, Broker, Valuer, or Accountant, or any other person not being an Attorney or Solicitor, in any matter under this Act, shall be settled by the Registrar, subject to the review of the Court.

Bills of Costs to be
Taxed subject to re-
vision.

13. All fees authorized to be taken and which shall be received by the Officers of the Court under this Act, shall be accounted for and paid by them respectively, once in every month, to the Treasurer of the Colony, and shall be by him placed to the credit of the Accountant in Bankruptcy in an account to be entitled "The Registrar in Bankruptcy Account," and the said account shall be chargeable with the salaries of the Officers, and other expenses of the Court: and such salaries shall be fixed by the Governor, having regard to the nature and duties of the office, as he may think just. And the amount of fees so received and paid by such Officers shall be verified by the affidavits of the accounting party. And all such fees shall be applied solely to the purposes of the said Court. And no payments shall be made from the General Revenue of the Colony on account of the salaries of the Commissioner in Bankruptcy or of those of any of the Officers of said Court.

Fees prescribed by
this Act, to be ac-
counted for and paid
into the Treasury.

14. If any Judge, Commissioner, Registrar, Accountant, Master, Official Assignee, Clerk, or any other Officer of the Court of Bankruptcy, shall for anything done or pretended to be done under this Act, or under color of doing anything thereunder, fraudulently and wilfully demand, or take, or appoint, or allow any person whatsoever to take for him or on his account, or for or on account of any person by him named, or in trust for him or for any other person by him named, any Fee, Emolument, Gratuity, Sum of Money, or anything of value whatsoever, other than is allowed by this Act, such person when convicted thereof, shall forfeit and pay the sum of Five Hundred Pounds, and be rendered incapable of holding any office or place under Her Majesty.

Penalty on Officers
improperly receiving
money.

A. D. 1862.

As to General Orders.

General Orders.

15. The Chief Justice shall (with the assistance of the Commissioner, when such Commissioner shall be appointed) from time to time, and subject to the provisions of this Act, frame General Orders for the following purposes:

For regulating the practice and procedure of the Court of Bankruptcy, and the several Forms of Petitions, Orders, and other proceedings to be used in the Court in all matters under this Act.

For regulating the Duties of the various Officers of such Court.

For regulating the Fees payable and the Charges and Costs to be allowed with respect to all proceedings before such Court. Provided, always, that the Court may vary or alter such Fees; but the Fees chargeable under Schedule A. of this Act, shall not be increased to a higher amount than by this Act prescribed.

For regulating the practice and procedure on Appeals.

For regulating the filing, custody and inspection of Records, and generally for carrying the provisions of this Act into effect.

General Orders may be rescinded and varied, and submitted to the Legislature.

16. General Orders may be rescinded and varied from time to time; and all General Orders shall be laid before the Legislative Council and House of Assembly within one month after the making thereof, if the House of Assembly and Council be then sitting: or if not then sitting, within one month from the commencement of the then next session.

As to the Sittings of the Court.

Court to sit when business requires.

17. The Court of Bankruptcy shall sit for the dispatch of business as necessity may require, Sunday, Christmas Day, Good Friday, Monday, and Tuesday in Easter Week, and days appointed for public Fast or Thanksgiving excepted, and at such other times as the Chief Justice may appoint by General Orders.

As to the Practice and Procedure of the Court.

Evidence.

18. The Court may in all matters take the whole or any part of the evidence, either viva voce on Oath, or by Interrogatories in writing, or upon Affidavit, or by Commission abroad.

Sittings in Chambers.

19. The Chief Justice and Commissioner shall respectively sit at Chambers for the dispatch of such business, as can without detriment to the public advantage arising from the discussion of questions in open Court, be heard in Chambers, and when sitting at Chambers they shall have in all respects like power and jurisdiction as when sitting in Court, and the Chief Justice may direct, from time to time, that any matter pending before him shall be heard and decided by the Commissioner.

Attendance of witnesses before Registrar.

20. Parties and witnesses summoned before a Registrar, shall be bound to attend in pursuance of such summons, and shall be liable

to Process of contempt in like manner as parties and witnesses are now liable thereto in case of default in attendance under any writ of subpœna: and all persons wilfully and corruptly swearing or affirming falsely before a Commissioner or Registrar sitting in Chambers, shall be liable to all the penalties, punishments, and consequences of perjury.

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21. If any person examined before a Registrar shall refuse or decline to answer, or to swear to, or sign his examination when taken, the Registrar shall refer the matter to the Chief Justice or Commissioner, as the case may be, who shall have power to order the person so acting to pay the costs thereby occasioned.

Recusant witness.

22. In any Bankruptcy or any other proceeding within the jurisdiction of the Court, the parties concerned or submitting to such jurisdiction may, at any stage of the proceedings, by consent, state any question or questions in a special case for the opinion of the Supreme Court, and the judgment of the Supreme Court shall be final, unless it be agreed and stated in such special case that either party may appeal.

Parties may at any stage of the case state a special case.

23. The parties may, if they think fit, agree that upon the question or questions raised by such special case being finally decided, a sum of money fixed by the parties, or to be ascertained by the Court, or in such manner as the Court may direct, or any property, shall be paid, delivered, or transferred by one of such parties to the other of them, either with or without costs.

A sum may be made payable by consent to abide the decision of the case.

24. The Court of Bankruptcy may direct the Registrar to attend at any place for the purpose of holding any meeting of Creditors, of receiving proof of debts, and generally for the prosecution of any Bankruptcy or other proceeding under this Act, and the travelling and incidental expenses of such Registrar, and of any Clerk or other Officer attending him, incurred in so acting, shall be settled by such Court, and paid out of the assets of the Estate in respect of which such Registrar has so acted; and such Registrar so acting shall have and exercise all powers, except the power of Commitment, vested in such Court for the summoning and examination of persons or witnesses, and for requiring the production of Books, Papers, and Documents. Provided, always, that all Depositions and Examinations of persons and witnesses taken before such Registrar, and all acts done by him shall be reduced to writing and be signed by such Registrar, and shall be annexed to and form part of the proceedings.

Registrar to attend at such places as the Court may direct.

25. It shall be lawful for the Chief Justice or Commissioner to direct any question of fact to be tried and determined before the Chief Justice by the verdict of a special or common Jury. The Chief Justice may make all such Rules and Orders upon the Sheriff or any other person for procuring the attendance of a special or

Court may direct question of fact to be tried.

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common Jury for the trial of such questions, as may be made by the Supreme Court; and also, may make any other Orders which may be requisite for the purpose of such Trial; and every such Jury shall consist of persons possessing the like Qualifications, and shall be struck, summoned, and balloted for, and called in like manner as if such Jury were a Jury for the Trial of any cause in the said Supreme Court, and every Juryman so summoned shall be entitled to the same right, and be subject to the same Duties and Liabilities, as if he had been duly summoned for the Trial of any cause in the said Supreme Court; and every party to any such proceeding shall be entitled to the same right as to challenge and otherwise, as if he were a party to a cause in the said Supreme Court, and at the Trial the Jury shall be sworn to try the said question of fact, and a true Verdict to give thereon, according to the Evidence.

Court may direct
Issues.

26. It shall be lawful for the Chief Justice and the Commissioner to direct one or more Issue or Issues to be tried in the said Supreme Court, and either by a special or common Jury, in like manner as is now done by the Court of Chancery.

Form of Warrant.

27. Every Warrant issued by the Court under this Act, shall be under the Seal of the Supreme Court, and the hand of the Chief Justice or Commissioner, as the case may be; and every Summons shall be under the hand of the Registrar, and under the Seal of the Supreme Court.

Documents and
copies may be or-
dered to be sealed.

28. The Court shall cause to be sealed with the Seal of the Supreme Court, all such Records, Proceedings, Documents, and copies of the same, as are by this Act, or shall be by General Orders, required to be so sealed, and such other Records, Proceedings, Documents, and copies of the same, as the Court shall at any time direct.

No document to be
void for want of
form.

29. No Rule, Order, Warrant, or other Proceeding, or Document required by this Act to be in a Form given in the Schedule to this Act, or to be given by any General Order, shall be invalidated by reason of any want of Form, or omission therein, if such want of Form or omission shall not in the opinion of the Court before which the same shall be brought, be calculated to mislead or prejudicially affect any party.

As to Appeals.

Appeal from Con-
missioner to Chief
Justice.

30. Every decision or Order of the Commissioner shall be subject to appeal before the Chief Justice, to be brought on by way of petition, motion, or special case. On the hearing thereof, no new evidence shall be received without leave of the Chief Justice, and if such appeal shall not be presented within twenty-eight days from the date of the Decision or Order complained of, or within such further time as the Commissioner shall in any case allow, then such Decision or Order shall be final.

31. Every Decree or Order made by the Chief Justice shall be final, except in those cases where an amount of £300, or more, is involved, in which case an appeal shall lie to the Privy Council.

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Appeal from Chief
Justice to Privy
Council.

32. On the hearing of any appeal, the Chief Justice may exercise any part of his original Jurisdiction, and may, if he think fit, direct that the case or matter in which the Order appealed from was made, be removed from the Jurisdiction of the Commissioner, either wholly or in part, and be thenceforth prosecuted in the Supreme Court, or in the Commissioner's Court, as he shall think fit.

Chief Justice may
remove proceedings.

As to the Persons subject to this Act.

33. All Debtors, whether Traders or not, shall be liable to be declared and adjudged bankrupt, and be subject to the provisions of this Act, and in the procedure to obtain adjudication it shall no longer be necessary to show any trading on the part of the Debtor.

All persons are li-
able to become
Bankrupt.

34. If any person not being a Trader shall, with intent to defeat or delay his Creditors, depart this Realm, and with such intent remain abroad, or shall, with such intent, make any fraudulent Conveyance, Gift, Delivery, or Transfer of his Real or Personal Estate, or any part thereof respectively, such person shall be deemed to have thereby committed an act of Bankruptcy, provided always that before any adjudication in Bankruptcy shall be made against the Debtor under this Section, the following rule shall be observed :—

Acts of Bankruptcy
by non-traders.

1. A copy of the petition for adjudication shall be served personally on the Debtor, either within the Jurisdiction, or in such place or country, or within such limits abroad as the Court shall upon application for that purpose direct.
2. Such copy of petition shall have endorsed thereon a memorandum in the form to be settled by General Orders, specifying the time within which the Debtor is to appear on such petition, and such time shall, when the service is to be made abroad, be the time which the Court shall think reasonable, having regard to the place or country where the service is to be made.
3. In no case of service out of the Jurisdiction shall the time for appearance be less than thirty days after service.
4. If it shall appear that such Debtor is avoiding service of such petition, and that such service cannot reasonably be effected, the Court may order that a copy of the petition be served at the residence or last known place of abode of such Debtor in Vancouver Island, and shall in such order appoint a time for hearing the petition, which shall not be less than sixty days from the time of such service.

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5. If at the time limited for appearance, or at the expiry of the said sixty days, the Court shall at the hearing of such petition be satisfied that an act of Bankruptcy has been committed within the meaning of this Section, it may adjudge such Debtor to be a Bankrupt.

35. The Court may order the Messenger in Bankruptcy to seize and hold any property believed to have been the property of the person who has so departed this Realm, at the time of his or her departure, upon the application of any person competent to present a petition for adjudication *ex parte*, such application being supported by affidavits verifying the departure with intent to delay or defraud Creditors, and that the property was at the time of the departure in the apparent ownership of the person who has so departed; and the Court may vary, dismiss, suspend, or support such order, upon such terms as may seem expedient.

Lying in prison an
act of Bankruptcy.

36. If any Debtor, whether a Trader or not, having been arrested or committed to prison for a Debt, or on any attachment for non-payment of money, shall upon such, or any other arrest or commitment for Debt or non-payment of money, or upon any detention for Debt, lie in prison for fourteen days, or having been arrested for any cause, shall lie in prison for fourteen days after any detainer for Debt lodged against him and not discharged, every such Debtor shall thereby be deemed to have committed an act of Bankruptcy, or if any such Debtor having been arrested, committed, or detained for Debt, shall escape out of prison or custody, every such Debtor shall be deemed to have thereby committed an act of Bankruptcy from the time of such arrest, commitment, or detention.

Filing declaration of
inability.

37. If any Debtor, whether a Trader or not, shall file in the office of the Registrar, a declaration in writing in such form as General Orders shall direct, signed by such Debtor and attested by the Registrar or an Attorney or Solicitor, that he is unable to meet his engagements, every such Debtor shall be deemed thereby to have committed an act of Bankruptcy at the time of filing such declaration, provided a petition for adjudication of Bankruptcy shall be filed by or against him within two months from the filing of such declaration.

Execution for £50
to be an act of
Bankruptcy.

38. If any execution shall be levied by Seizure and Sale of any of the Goods and Chattels of any Trader Debtor, upon any judgment recovered in any action personal for the recovery of any Debt or money demand exceeding Fifty Pounds, every such Debtor shall be deemed to have committed an act of Bankruptcy from the date of Seizure of such Goods and Chattels. Provided, always, that unless in the meantime a petition for adjudication of Bankruptcy against the Debtor be presented, the Sheriff or other Officer making the levy shall proceed with the execution, and shall at the end of seven days after the Sale pay over the proceeds, or so much

as ought to be paid to the Execution Creditor, who shall be entitled thereto, notwithstanding such act of Bankruptcy, unless the Debtor be adjudged a Bankrupt within Thirty Days from the date of the Seizure, in which case the money so received by the Creditor shall be paid by him to the Assignee under the Bankruptcy; but the Sheriff or other Officer shall not incur any liability by reason of anything done by him as aforesaid.

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39. Whenever the Goods and Chattels of a Debtor are sold under an Execution upon any judgment recovered in any action or suit brought for the recovery of a Debt, Money, Demand, or Damages against any Debtor, such Goods and Chattels shall in all cases but those of perishable commodities be sold by the Sheriff by Public Auction, and not by Bill of Sale or Private Contract, and such Sale shall be publicly advertised by the Sheriff on and during three days next preceding the day of Sale. In the case of perishable commodities the Sheriff shall sell at his uncontrolled discretion.

Goods taken under a fi. fa. to be sold at public auction.

As to an Act of Bankruptcy by non-payment after Judgment Debtor Summons.

40. Every Judgment Creditor who is or shall be entitled to sue out against a Debtor a Writ of Capias ad Satisfaciendum, or to charge the Debtor in Execution, shall be entitled at the end of one week from the signing of Judgment to sue out against the Debtor, whether he be a Trader or not, and whether he be in custody or not, a Summons, to be called a Judgment Debtor Summons, requiring him to appear and be examined respecting his ability to satisfy the debt.

Judgment Summons.

41. Where, after the commencement of this Act, a Decree or Order of a Court of Equity or an Order in Bankruptcy or Insolvency or Lunacy, directing the payment of Money, is disobeyed by the Debtor, the same having been duly served upon him, and the person entitled to receive the Money or interested in enforcing payment of it, has obtained a peremptory order of the competent Jurisdiction fixing a day for payment, and the Debtor does not within seven days after service on him of the peremptory Order, or such Order having been duly served within seven days after the day fixed by the peremptory Order for payment (which shall last happen) pay the Money, or secure or tender or compound for it to the satisfaction of the Creditor, the Creditor shall be entitled at the end of those seven days to sue out against the Debtor a Judgment Debtor Summons.

Order in Equity or Bankruptcy for payment unsatisfied, entitles Creditor to a Judgment Summons.

42. Where the Debtor is in Vancouver Island the Summons shall be served personally, unless the Court issuing the same shall in any case direct that service in some other manner is good service.

Judgment Debtor to be served personally, unless otherwise ordered.

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Service out of the jurisdiction.

43. Where the Debtor is not in Vancouver Island the Court, upon such evidence as shall satisfy it that the service will be effectual to give notice to the Debtor, may order service to be made in such manner and form as it shall deem fit, and shall appoint a time by such order for the appearance of the Debtor.

Service on prisoner.

44. Where the Debtor is in custody, a duplicate of the Summons shall be delivered to the Sheriff or other person in whose custody he is, who shall bring him up according to the Summons.

Substituted service.

45. If service of the Summons be not effected, and the Court is satisfied that the Debtor is keeping out of the way to avoid service, it may order that one or more Notices be inserted in one or more Newspapers published in the Colony, requiring him to appear on a day named, being not less than Fourteen Days after the publication of the first notice.

Proceedings on Judgment Debtor Summons.

46. Upon the appearance of the Debtor, he may be examined upon oath by or on behalf of the Creditor, and by the Court, respecting his ability to satisfy the debt, and for the discovery of property applicable in that behalf, and shall be bound to produce on oath or otherwise such books, papers, and documents, in his possession or power relating to property applicable or alleged to be applicable to the satisfaction of the debt as the Court shall think fit, and to sign his examination when reduced to writing, and any Debtor refusing to be sworn, or who shall upon examination refuse or wilfully fail to discover fully and truly to the best of his knowledge and belief all his property, real and personal, inclusive of his rights and credits, and to produce all books, papers, and documents in his possession or power relating thereto, shall be liable to be committed by the Court, as in the case of a Bankrupt.

Proceedings in default.

47. If after service of such Summons or due notice thereof as aforesaid, the Debtor shall not pay the debt and costs, or secure or compound for the same to the satisfaction of the Creditor, the Court may on the appearance of the Debtor, or if he shall not appear, having no lawful impediment allowed by the Court, adjudge him Bankrupt without the presentation of a petition for adjudication or other proceeding; and where the Debtor has not appeared, notice of such adjudication shall be served upon him in like manner as herein provided with respect to service of the Summons.

Appearance to be within three days, or extended time, and on appearance the Bankruptcy may be either annulled or made absolute.

48. The Debtor shall be allowed three days from such notice, or such further time as the Court shall think fit, for appearing to show cause against the adjudication, and if he appear within the time allowed, and show sufficient cause, the adjudication may be annulled; otherwise, at the end of the time allowed, or on the judgment of the Court against the sufficiency of the cause shown, the adjudication shall become absolute, and notice thereof shall be forthwith given in one or more of the local Newspapers, and the

adjudication shall have relation back to the service of the Summons or the insertion of the first notice in the said local Newspaper, as the case may be; and the fees payable upon the presentation of a petition for adjudication of Bankruptcy shall be paid in respect of adjudication under this section or under the last preceding section, by the Official Assignee or Creditors' Assignee, as the case may be, out of the first Moneys that shall be received under the Estate of the Bankrupt.

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49. The provisions contained in this Act relating to the committal of a person refusing to be sworn, or doing or omitting the other acts or things therein mentioned, shall apply to a Debtor appearing on a Judgment Debtor Summons.

Provision for committal to apply to Debtors on Judgment Summons.

As to proceedings before adjudication in the case of non-traders.

50. Proceedings to obtain adjudication in Bankruptcy shall be by Petition on the oath of the Petitioner. Every such Petition shall be filed of record, and prosecuted as directed by this Act; and from and after the filing of such Petition in the case of a Debtor petitioning against himself, and from and after adjudication in the case of a Debtor not being a Trader who shall be adjudged Bankrupt, the Bankrupt personally, and all his Estate and Effects of what nature or kind soever, shall be subject to the law of Bankruptcy in like manner as if such Debtor had been a Trader, and as such duly found and declared a Bankrupt.

Proceedings in Bankruptcy against non-traders to be commenced by petition.

51. The amount of the debt of any Creditor Petitioning for Bankruptcy against a Debtor, whether a Trader or not, shall be as follows, that is to say:

Petitioning Creditor's debt.

The Debt of a single Creditor, or of two or more persons being partners, shall amount to Twenty-five Pounds or upwards.

The Debt of two Creditors shall amount to Thirty-five Pounds or upwards.

The Debt of three or more Creditors shall amount to Fifty Pounds or upwards.

Every person who has given credit to any Debtor upon Valuable Consideration for any sum payable at a certain time, which time shall not have arrived when such Debtor committed an act of Bankruptcy, may so petition or join in petitioning whether he shall have any security for such sum or not.

52. If the Debt stated by the Petitioning Creditor in his affidavit, or in his petition for adjudication to be due to him from any Debtor, shall not be really due, or if, after a petition for adjudication of Bankruptcy has been filed, it shall not have been proved that the person against whom such petition has been filed, was liable to an adjudication of Bankruptcy at the time of the filing of such petition, and it shall also appear that such petition was filed

Power to annul, and compel payment of damages.

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fraudulently or maliciously, the Court shall, and may upon petition of any person aggrieved by such petition, examine into the same, and order satisfaction to be made to him for the damages by him sustained.

Corporate Officer
may sue.

53. A Petition for adjudication of Bankruptcy or Judgment Debtors Summons, against any Debtor indebted in the amount aforesaid, to any Copartnership duly authorized to sue and be sued in the name of a Public Officer of such Copartnership, may be filed or sued out by such Public Officer as the nominal Petitioner, for and on behalf of such Copartnership.

Debtor may petition.

54. Any Debtor may petition for adjudication of Bankruptcy against himself, and the filing of such Petition shall be an act of Bankruptcy without any previous declaration of Insolvency by such Debtor.

Debtor to file state-
ment of assets and
liabilities.

55. Every Debtor petitioning against himself shall file in Court, together with his Petition, a full, true, and accurate statement of his Debts and Liabilities of every kind, and of the names and residences of his Creditors, and of the causes of his inability to meet his engagement, and such statement shall be in such form as General Orders shall direct, and shall be verified by the Oath of the Petitioner.

Prisoner filing peti-
tion, to give notice
to gaoler.

56. Every Debtor who shall present a Petition for adjudication whilst a prisoner in any prison or gaol, shall by writing give notice to the keeper of such gaol or prison of his intention so to do, and shall in his Petition state that such notice has been given.

In default of adjudi-
cation, any Credi-
tor may proceed.

57. If the petitioning Creditor shall not proceed and obtain adjudication within three days after his Petition shall have been filed, or within such extended time as shall be allowed by the Court, the Court may at any time at the expiration of three days, or of such extended time as the case may be, upon the Petition of any other Creditor to the amount required to constitute a Petitioning Creditor, proceed to adjudicate on such last-mentioned Petition. If a Debtor petitioning against himself does not obtain adjudication within twenty-four hours after filing such Petition, the Court may proceed to adjudge the Debtor a Bankrupt on the Petition of any competent Creditor.

Character of peti-
tioning Creditor's
debt.

58. In the computation of debts for the purposes of any Petition under this Act, there shall be reckoned as debts:—

- 1st. Sums due to Creditors holding mortgages or other available securities or liens, after deducting the value of the property comprised in such mortgages, securities, or liens.
- 2nd. Such interest and costs as shall be due in respect of any of the debts.

But there shall not be reckoned:—

- 1st. The amount of the debts in respect of which the Petitioner has already taken the benefit of Insolvency, Protection, or Bankruptcy.

2nd. Debts barred by any Statute of Limitations.

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As to adjudication of Bankruptcy against Pauper Prisoners.

59. If any Debtor now being or who shall be imprisoned for any debt or demand, shall be unable to petition the Court for an adjudication of Bankruptcy against himself through poverty, he shall be at liberty to petition in forma pauperis, upon making an affidavit that he has not the means of paying the fees and expenses usually payable in respect of a Petition by a Debtor for an adjudication of Bankruptcy. Such an affidavit may be sworn before the gaoler of the prison where such Debtor is confined, and such gaoler is hereby empowered and required to take such affidavit and swear the deponent thereto without fee or reward.

Petitions in forma pauperis.

60. Every person so petitioning in forma pauperis as aforesaid, shall be brought up to the Court at its next sitting after the presentation of such petition, and shall be examined by the Court touching his Estate and Effects, Debts, Dealings, and Transactions; and if the Court shall be satisfied with such examination, it shall make an order of adjudication of Bankruptcy against the Petitioner, and if it think fit, grant an order of protection to the Petitioner.

Petition in forma pauperis to be brought up for examination at the next Court.

As to Persons arrested for Debt.

61. Any person arrested upon a Capias ad Satisfaciendum, may at any time thereafter take out a Summons in the Supreme Court, either before or after a Petition filed, or in cases coming within the primary jurisdiction of the Commissioner in the Court of the Commissioner calling upon the person or persons on whose behalf such writ was issued to show cause why Bail (the particulars whereof shall be mentioned in such Summons) should not be taken for his appearance at such times as he may be called upon to appear by the Court.

Bail to ca. sa. may be given on Summons for that purpose.

62. The Chief Justice, or the Commissioner, as the case may be, may direct that such person may be either discharged from or remitted into custody, for such time and upon such terms and Bail as may be deemed just, and may postpone the hearing of such Summons from time to time.

The Chief Justice may order discharge.

63. The Sheriff may personally take such Bail for the appearance before the Court of any person arrested on a Writ of Capias ad Satisfaciendum, within Fourteen Days from such Bail, as he may think sufficient, but the Sheriff shall in default of such appearance be liable for the debt in respect of which such Writ originally issued.

Sheriff may, on his own personal responsibility, take Bail.

64. In all cases where Bail is taken, the Debt in respect of which such Writ was issued, shall be deemed and taken to be subsisting, notwithstanding such Arrest, Bail, or Discharge.

Debt to be considered as subsisting.

65. The Gaoler of every Prison in this Colony shall, on the first day of every month, or if such day shall happen to be Sunday, then

Gaoler to return number of persons

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in custody under
process.

on the day next following, make a Return to the Chief Justice under his hand of the name of every such person in custody, upon any process whatsoever, for or by reason of any Debt, Claim, or Demand whatsoever, and the date of his or her imprisonment, and the nature of the amount of the Debt or Demand for which he or she is imprisoned or in custody, and whether he or she is willing to petition the Court of Bankruptcy, or is unable to do so by reason of poverty, or in such other form and manner and with such particulars as any General Orders shall direct. Such return shall also include the names and addresses of every Creditor at whose suit such prisoner is imprisoned or detained.

Attendance of the
Registrar, and en-
quiries by him.

66. The Chief Justice shall in every case on receiving such Return make an Order that the Registrar shall attend at the Gaol on a day to be named, being at least seven and not more than twenty-one days from the date of such Return. Notice of such Order shall be forthwith given to the Gaoler, and also to the Execution and Detaining Creditors of every prisoner included in such return. On the day named in the Order the Registrar shall attend at the prison and examine every prisoner included in such return who shall have been in prison for fourteen days, touching his estate and effects, debts, dealings, and transactions.

The Registrar shall also ascertain the last or longest place of abode and business of each such prisoner within the six months next prior to his imprisonment. The Chief Justice on the report of the Registrar shall have power to make an Order of adjudication in Bankruptcy against every such prisoner, and to grant him protection, and shall also direct in what Court such adjudication shall be prosecuted.

Registrar to report
in cases of reculant
prisoner who may be
committed.

67. If the prisoner shall refuse to appear, or to be sworn, or to answer all lawful questions of the Registrar, or of the Execution or Detaining Creditors, or of any other Creditor who shall be present, respecting his debts, liabilities, dealings, and transactions, or to make a full discovery of his estate and effects and of all his Books of account, or to produce the same, or to sign his examination when taken, the Registrar shall report the same to the Court, and the Court may by warrant under the hand and seal of the Chief Justice, and in the form contained in Schedule C. to this Act, commit him to the common gaol, there to be kept with hard labour for any time not exceeding one month, and the Court may at the same time adjudge such prisoner Bankrupt; provided that if after such adjudication the Bankrupt shall, before the period of such commitment has expired, submit to be examined and in all things conform to the jurisdiction of the Court, he shall have in all respects the same benefit as if he had submitted to the Court in the first instance.

Adjudication to re-
late back to date of
commitment.

68. Every adjudication against any prisoner for debt so brought up as aforesaid, shall, unless the Court shall otherwise direct, have

relation back to the date of his commitment or detention, as the case may be, and shall be as valid and effectual for all purposes as if it had been made under any other of the provisions of this Act. A.D. 1862.

69. No person who is in custody solely under or by virtue of any warrant or order made or issued by, or by the authority of a Judge sitting in the existing or any future Small Debts Court, shall be included in the return so directed to be made by gaolers as aforesaid, or released from such imprisonment by virtue of any order to be made on the certificate of the Registrar aforesaid. No person imprisoned on a Warrant from the small Debts Court to be included in the return.

As to the Rights and Duties of the Creditor's Assignee.

70. The Creditor's Assignee shall manage, and, except as herein provided, realize and recover to the Estate all real and personal property belonging to the Bankrupt, wherever situated, and convert the same into Money, and he shall pay all Moneys not necessarily retained for current expenses, all public Securities, and all Bills, Notes, and negotiable Instruments belonging to the Estate, forthwith upon the receipt thereof, into Court, to the account of the Account in Bankruptcy. Creditor's Assignee to realize the estate and pay moneys into Court.

71. The Creditor's Assignee shall, at the end of three months from and after his appointment, and thenceforth at the expiration of every succeeding three months, render to the Registrar a Debtor and Creditor Account of all sums received and paid on account of the Bankrupt or his Estate, verified on oath as a full, true, and faithful account of his receipts and payments as such Creditor's Assignee, and the vouchers for such Account and all Books of Account in his possession or power, together with his Banker's Pass Book, shall be produced by him to the Registrar, who shall examine the same, and if he shall be dissatisfied with such Account, the same, or any part thereof or any matter arising thereon, shall be enquired into and considered by the Chief Justice or Commissioner, as the case may be. Creditor's Assignee to account.

72. Forthwith after the passing of each such Account of the Creditor's Assignee, a copy thereof or a statement showing the nature and result of the transactions and accounts of the Creditor's Assignee shall be made out by the Registrar, and shall be open to inspection in the Registrar's Office by every Creditor who has proved under the Bankruptcy. Creditor's Assignees account to be open to inspection.

73. In every case of a Lease or an Agreement for a Lease, it shall be lawful for the Assignee to elect to take the same, and the benefit thereof, and to keep possession of the premises up to some quarter or half-yearly day on which Rent is made payable by the same Lease or Agreement, such day not being more than six months from the adjudication of Bankruptcy, and from and after such day to decline such Lease or Agreement for a Lease. Assignee may take the benefit of a lease up to some quarter day.

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74. Any Mortgagee, with the leave of the Court first obtained, Mortgagee may bid. may bid at any sale of the mortgaged property.

Assignee when empowered by the Court, may at the decree of the Creditors, mortgage the Bankrupt's property to discharge Bankrupt's debts.

75. If it shall appear to any Meeting of the Creditors summoned by the Assignee by notice stating the object of the Meeting, and at which three-fourths in value of the Creditors shall be present or represented, that the debts of any Bankrupt can be discharged by means of money raised by way of Mortgage or Pledge of any of his property, and such Meeting shall pass a Resolution accordingly, it shall be lawful for the Assignee when thereunto authorized by order of the Court to execute such Mortgage or Pledge with or without powers of sale and other powers, and in such manner in all respects as shall be specified in such order, and the Court may order the execution of such Mortgage or Pledge by any other necessary parties and give all necessary directions for the purpose of carrying into effect the Resolution of the Creditors.

Pay of Officers may be set aside for Creditors.

76. The Court may order such portion of the pay, half-pay, salary, emolument, or pension of any Bankrupt as, on communication from the Colonial Secretary or the Chief Officer of the Department to which such Bankrupt may belong, or may have belonged, or under which such pay, half-pay, salary, emolument, or pension may be enjoyed by such Bankrupt, may officially sanction to be paid to the Assignee, to be applied in payment of the debts of such Bankrupt, and such order and sanction being lodged in the Office of the Treasurer, or of any other officer or person appointed to pay, or paying any such pay, half-pay, salary, emolument, or pension, such portion of the said pay, half-pay, salary, emolument, or pension, as shall be specified in such order and sanction, shall be paid to such Assignee, until the Court shall make order to the contrary.

In cases of dispute, any party may apply to the Court for directions.

77. In case of any claim, dispute, or difference between the Official Assignee, the Creditor's Assignee, and the Creditors, or any of such persons, or between any persons claiming under a Trust Deed, Deed of Composition, or Arrangement, relating to any Bankrupt's or Debtor's Estate, or to any money or property claimed as part of the Estate of any Bankrupt or Debtor, either party may apply to the Court having jurisdiction in the Bankruptcy, and it shall be lawful for the Court to determine the same, and to summon and examine upon oath the Official Assignee, or Creditor's Assignee, Trustee, or any other person whomsoever, as to any matters and things concerning the Bankruptcy, or Trust Estate, and to direct such enquiries, and to give such directions, and make such orders relative thereto, as shall to the Court seem just and expedient, and to award costs personally, or in any other manner, against the Official or Creditor's Assignee, Trustee, or any other person; provided, that in all cases in which a resolution has been come to by a majority in number and value of the Creditors assembled in a meeting, regard shall be had by the Court to such

resolution, and the same shall not be varied or set aside by the Court, unless such resolution shall in the opinion of the Court be unjust or inequitable, and not fit to be binding and conclusive under this Act.

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78. At any time after the expiration of twelve months from adjudication, or at any earlier period, with the approbation of the Court, the Assignees may sell by Auction, or Tender, or with the sanction of the Court by private contract, all or any of the Book Debts due or growing due to the Bankrupt, and the Books relating thereto, and the goodwill of his trade or business, and assign the same to the purchaser; and such purchaser shall, by virtue of the assignment, have power to sue in his own name for the debts assigned to him, as effectually and with the same privileges concerning proof of the requisites of Bankruptcy and other matters as the Assignee himself.

Power of Assignees to sell by auction or private contract.

79. If the Creditors' Assignee shall wilfully fail to observe any of the directions herein contained, or shall be guilty of any neglect in the performance of his duty, or it shall be made to appear to the Court, on the application of two or more Creditors, that it would be for the benefit of the Estate that such Creditors' Assignee should not continue to have the management and administration of the Bankrupt's Estate, it shall be lawful for the Court either to appoint an Official Assignee, to act jointly with such Creditor's Assignee, or to remove such Creditors' Assignee, or to appoint an Official Assignee to administer the Estate under the Bankruptcy.

Creditors' Assignee to be removed.

As to Procedure after Adjudication.

80. Immediately upon Adjudication, it shall be the duty of the Official Assignee to take possession of the Bankrupt's Estate, and to retain possession thereof until the appointment of a Creditors' Assignee; but if such Official Assignee, or if the Court upon the representation of any Creditor, shall be of opinion that the keeping possession of the Bankrupt's property is not requisite for the due protection of the Creditors, such possession shall not be continued.

Official Assignee may enter into possession.

81. At the time of the Adjudication, the Court shall appoint a Meeting of the Creditors, of which ten days' notice shall be given in one or more of the papers circulating in the Colony, and which Meeting shall be held at such time and place as the Court shall appoint; and at such Meeting the Official Assignee shall preside and receive the proof of the debts of the Creditors, and shall give to the Meeting the fullest information in his power of the Estate and Effects of the Bankrupt, and of the debts due from his Estate.

First meeting of Creditors.

82. At this Meeting, a majority in value of the Creditors present shall determine whether any or what allowance for support shall be made to the Bankrupt, and up to what time.

Allowance to Bankrupt.

83. In case at such Meeting, or at any other Meeting of Creditors, Proposals from

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Bankrupt to be received.

any proposal shall be made by or on behalf of the Bankrupt, which it shall appear to the major part in value of the Creditors there present ought to be accepted, or if it shall appear to the majority in value of the Creditors present at any Meeting to be desirable on any ground to resolve, and such majority shall resolve, that no further proceedings be taken in Bankruptcy, the Meeting shall be adjourned for fourteen days, in order that notice of such resolution may be given to every Creditor by the Official or Creditors' Assignee, which shall be done accordingly, by advertisement in one or more of the newspapers circulating in the Colony, for one week; and if at the adjourned Meeting three-fourths in value of the Creditors present shall so resolve, the proceedings in Bankruptcy shall be suspended, and the Estate and Effects of the Bankrupt shall be wound up and administered in such manner as such majority shall direct.

As to Warrants of Commitment.

Form of Warrant of Commitment.

84. In any Warrant of Commitment issued by any Court under this Act, it shall not be necessary to set forth or specify any Question or any part of the Examination of the person so committed, but it shall be sufficient to refer in the warrant to the Examination or Deposition of the person as remaining on the File of Proceedings, and to specify in the said warrant the precise date of the Examination or Deposition so referred to, and such warrant shall be in the form contained in Schedule B. to this Act; provided, however, that in every case in which any person shall be so committed for refusing to answer, or for not fully answering any Question put to him, every such Question shall be specified in the Examination or Deposition of the person committed remaining on the File of Proceedings so referred to as aforesaid; and provided also that a copy of the said Examination or Deposition so referred to shall be delivered personally to the person committed, within twenty-four hours next after his actual committal to prison, and in default of the said copy being delivered the person committed shall be discharged from custody either by the Court or by the Judge before whom such person may be brought by Habeas Corpus, with such costs, if any, as the said Court or Judge may deem fit.

No discharge for mere want of form.

85. If any person so committed shall sue forthwith any Writ of Habeas Corpus in order to be discharged from such commitment, he shall not be discharged by reason of any mere matter of form; but if the Court or Judge before whom he shall be brought upon inspection and consideration of the whole of the Examination or Deposition of such person shall be of opinion that the Answer or Answers of such person is or are satisfactory, the Court or Judge may order the person so committed to be discharged.

As to the choice of a Creditors' Assignee.

Creditors to choose Assignees.

86. At the first meeting of Creditors, or any adjournment

thereof, it shall be competent to the majority in value of the Creditors who have proved Debts to choose one or more Creditor or Creditors who has or have proved, to be the Assignee or Assignees of the Bankrupt's Estate and Effects, and to be called the Creditors' Assignee, provided that the Court shall have power to reject any person so chosen who shall appear to such Court unfit to be such Assignee, and upon such rejection a new choice of Assignees shall be made.

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87. Upon the appointment of the Creditors' Assignee the powers and duties of the Official Assignee shall cease and determine, and all the Estate, both real and personal, of the Bankrupt shall be divested out of the Official Assignee and vested in the Creditors' Assignee.

On appointment duties of the Official Assignee to cease.

88. The Official Assignee shall forthwith render to the Creditors' Assignee a full and particular account or balance-sheet of the Bankrupt, and of all receipts, payments, and other transactions of such Official Assignee, and also a list of all the Creditors of the Bankrupt who have proved their debts against the Estate.

Official to account to Creditors' Assignee.

89. The Creditors' Assignee shall audit such account and may call for such information from the Official Assignee as he possesses concerning the Estate. The account shall be audited in the presence of the Chief Justice or Commissioner, as the case may be. A copy of such account of the Official Assignee when audited shall, unless the Chief Justice or Commissioner, as the case may be, shall otherwise direct, be sent by post by the Creditors' Assignee to every Creditor who has proved.

Audit of Official Assignee's account.

90. The Court shall give such directions as it may deem expedient with respect to the custody and inspection of the books, papers, writings, and documents relating to the Estate, and may authorize the Official Assignee to have the custody thereof, or any part thereof.

Orders as to the custody of books, &c.

91. No person shall be entitled as against the Official or Creditors' Assignee to withhold possession of the Books of Account of the Bankrupt, or to claim any lien thereon.

No lien against Assignees.

92. The Creditors shall at the meeting for choice of a Creditors' Assignee, determine what (if any) security shall be given by such Assignee. At the same meeting, or at any other meeting called for the purpose, the Creditors may also determine whether a Manager shall be appointed to collect and wind up the Estate under the inspection of the Creditors' Assignee or of a Committee of Creditors, and may appoint such person, with such remuneration out of the Estate, and generally upon such terms, for such period, and with such directions, as the majority shall think fit.

Creditors may determine the security to be given by Assignee, and whether a Manager shall be appointed, and how.

93. When the election of an Assignee shall have been accepted by the person elected and confirmed by the Court, the Court shall,

Certificate of appointment of Creditors' Assignee.

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by Certificate under the hand of the Judge or Commissioner and the Seal of the Court, to be called the Certificate of Appointment, declare such Creditors' Assignee to have been duly elected, and appoint him to the said office accordingly. Such appointment shall be final, and shall not be subject to review or appeal, except as hereinafter provided, and a copy thereof, purporting to be under the Seal of the Court, shall be received as evidence of such appointment in all Courts and places, without further proof.

Removal and resignation of Creditors' Assignee and appointment of new one.

94. A majority in number and value of the Creditors may, at any meeting duly called for the purpose, remove the Creditors' Assignee or accept of his resignation, and one-fourth in value of the Creditors who have proved may at any time apply to the Court by Petition for removal of the Creditors' Assignee, and if on the hearing of such Petition the Court shall be of opinion that sufficient reason has been shown, it may remove such Creditors' Assignee and appoint a meeting of the Creditors to be held for electing a new Creditors' Assignee; and if the Assignee shall die, resign, or be removed, or remain abroad for three months at any one time, any Creditor may apply to the Court to appoint a meeting for electing a new Creditors' Assignee, and the Court may accordingly appoint a meeting, whereof at least seven days' previous notice shall be given in one of the papers circulating in the Colony, and at such meeting may elect a new Creditors' Assignee accordingly.

The election of new Creditors' Assignee to be conducted in the same manner as the election of the first Assignee.

95. In all cases of the election of a new Creditors' Assignee the proceedings shall take place in the like manner as is hereinbefore provided in the case of the first election, and the new Creditors' Assignee shall be invested with the powers and perform the duties and be subject to the rules hereinbefore provided as to the Creditors' Assignee first chosen, and shall call to account such Creditors' Assignee, his heirs, executors, administrators, or assigns, as the case may require.

Order as to disposal of books, &c.

96. When the affairs of the Bankrupt are fully wound up, the Court may, subject to the direction of any General Order, make from time to time such orders as in each case seem fit respecting the disposal or custody of any books, papers, or documents relating to property or affairs in the possession or under the control of the Official or the Creditors' Assignee, or any other person.

As to the last Examination.

Court to appoint sitting for last examination and discharge.

97. The Court shall, forthwith after the choice of an Assignee by the Creditors, appoint a public sitting on a day not later than sixty days from the date of such choice, and shall give notice of such sitting in such newspapers as the Court shall direct, for the Bankrupt to pass his last examination, and also, unless the Court shall in any case otherwise direct, to make application for his discharge; but the Court shall have power to enlarge the time appointed for such sitting, or to adjourn the same.

98. The Bankrupt shall prepare such Statement of his Accounts and in such form as General Orders or as the Court in any case shall direct, and shall subscribe such Statement and file the same in Court ten days at least before the day appointed for the last examination or adjournment thereof, and such Statement may before such last examination be amended from time to time as occasion shall require and the Court shall direct; and the Bankrupt shall make oath of the truth of such Statement whenever he shall be duly required by the Court to do so; and the last examination of the Bankrupt shall in no case be passed unless his Statement shall have been duly filed as aforesaid.

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The Bankrupt to prepare and file a statement of accounts.

99. The Statement of Accounts, when filed in Court, shall be open to the inspection of all Creditors, who may take copies of and extracts from the same, subject to such regulations as General Orders shall direct.

Statement of accounts to be open to Creditors.

100. In addition to such Statement of his Accounts, the Official and Creditors' Assignees shall prepare and file in Court, together with such Statement, a Report upon the state of affairs of the Bankrupt, setting forth such facts and particulars as may be required by the Court, or such as they may deem important for the Court to be informed of.

Assistance in the preparation of the statement.

101. Every Creditor of the Bankrupt may, after the Adjudication, prove his debt, by delivering or sending, before the appointment of the Creditors' Assignee, to the Official Assignee, and after such appointment, to the Creditors' Assignee, a statement of such debt, and of the account, if any, between the Creditor and the Bankrupt, together with a Declaration signed by the Creditor appended thereto, that such Statement is a full, true, and complete Statement of Account between the Creditor and the Bankrupt, and that the Debt thereby appearing to be due from the Estate of the Bankrupt to the Creditor is justly due; and all bodies Politic and Public Companies incorporated, or authorized to sue or bring actions, may prove by an Agent, provided such Agent shall in his Declaration declare that he is such Agent, and that he is authorized to make such proof; [and such Declaration, signed by such Creditor and Agent respectively as aforesaid, shall be in such form as General Orders shall direct.

As to proof of debts.

102. Any person who shall wilfully and corruptly make any Declaration for proof of Debt as aforesaid, knowing the same or the Statement of Accounts to which the same shall be appended to be untrue in any particular, shall be deemed guilty of a Misdemeanor, and shall be liable to undergo the pains and penalties imposed upon persons guilty of wilful and corrupt perjury.

False declaration a misdemeanor.

103. Every Creditor of the Bankrupt may, also, after Adjudication, prove his Debt by deposition in Court or in Chambers, or before the Registrar at any Meeting of Creditors, elsewhere than in

Proof in Court or in Chambers.

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Court, or by affidavit upon his own oath, or upon that of any Clerk or other person in his employment; provided, that where such deposition or affidavit shall be made by any other person than the Creditor, the deponent shall in his deposition or affidavit set forth that he is duly authorized by his principal to make the deposition or affidavit, and that it is within his own certain knowledge that the Debt was incurred, and for the consideration stated, and that to the best of his knowledge and belief the Debt still remains unpaid and unsatisfied.

Statement to be examined by Registrar and Assignee.

104. The Official or Creditors' Assignee, as the case may be, shall examine all the Statements of Accounts aforesaid, and compare the same with the Books, Accounts, and other Documents of the Bankrupt; and shall from time to time make out a List of the Creditors who have proved their Debts, stating the amount and nature of such Debts, which List shall be open to the inspection of any Creditor who has proved under the Estate.

Examination of alleged Creditors.

105. The Court may, on the application of the Assignee, or of any Creditor, or of the Bankrupt, or without any application, examine upon oath, or otherwise, any person tendering or who has made a proof, and may summon any person capable of giving evidence concerning such proof, and in like manner where the Debt is tendered on affidavit or statement as hereinbefore provided, may summon and examine on oath, or otherwise, the person who has made the affidavit or statement, and any other person capable of giving evidence concerning the Debt sought to be proved.

Proof for costs, &c., enforceable by process of contempt.

106. A person entitled to enforce against the Bankrupt payment of any money, costs, or expenses by process of contempt issuing out of any Court, shall be entitled to come in as a Creditor under the Bankruptcy, and prove for the amount payable under the process, subject to such ascertaining of the amount as may be properly had by a taxation, or otherwise.

Proportionate payments.

107. In all cases in which the Bankrupt is liable to pay any rent, or other payment, falling due at fixed or stated periods, and the Adjudication of Bankruptcy shall happen at any time other than one of such fixed or stated periods, it shall be lawful for the person entitled to such rent, or other payment, to prove for a proportionate part thereof, up to the day of the Adjudication of Bankruptcy, in such manner as if the said rent or payment grew due from day to day, and not at such fixed or stated periods as aforesaid.

Proof for instalment

108. If any Bankrupt shall have contracted, before the filing of a Petition for Adjudication, any Debt payable by way of Instalments, the Creditor may prove for the amount of such Instalments remaining due at the time of such Petition.

Proof in respect of unliquidated damages.

109. If any Bankrupt shall at the time of Adjudication be liable, by reason of any Contract or promise, to a demand in the nature

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of Damages which have not and cannot be otherwise liquidated or ascertained, it shall be lawful for the Court acting in prosecution of such Bankruptcy, to direct such damages to be assessed by a Jury, either before itself or in a Court of Law, and to give all necessary directions for such purpose; and the amount of damage, when assessed, shall be proveable as if a Debt due at the time of the Bankruptcy. Provided, that in case all necessary parties agree, the Court shall have power to assess such damage, without the intervention of a Jury, or a reference to a Court of Law.

110. The Court may, at any time, expunge or reduce a proof of Debt, on such application and such evidence as it shall think sufficient, and for that purpose may summon and examine upon oath, or otherwise, the person who has proved, and every person capable of giving evidence concerning the alleged Debt, and may make such order as to the costs of any application as shall seem just.

How proof may be
expunged or re-
duced.

As to the Discharge of the Bankrupt.

111. All Classification of Certificates shall be abolished; and in every case where the Discharge of a Bankrupt shall be suspended such Discharge, when allowed, shall simply state the period for which it was suspended and the reasons for such suspension, and if the Bankrupt shall have been sentenced to imprisonment by any Court under the provisions of this Act, the Discharge shall also set forth the fact of such sentence and the period of such imprisonment.

Classification of
Certificates abolish-
ed.

112. After the Bankrupt has passed his last examination, the Court shall proceed to consider the question of granting to him an Order of Discharge, and shall appoint a sitting for that purpose. Seven days' notice of such sitting shall be given in such newspapers as the Court shall direct. Fourteen days at least shall intervene between the day of passing the last examination and the day of such sitting. The Assignees, or any Creditor who has proved, may be heard against such discharge.

Order of Discharge.

113. In granting Orders of Discharge, the following Rules shall be observed:—

Rules as to granting
Orders of Discharge.

1. Every application for an Order of Discharge which is opposed shall be heard and decided by the Chief Justice or Commissioner, as the case may be.
2. Although the application for Discharge be not opposed, it shall be the duty of the Commissioner in cases brought before him to consider whether, having regard to the Bankrupt's conduct relative to his trade, business, property, or affairs, the manner in which his debts have been contracted, and the proceedings in the Bankruptcy, there be any well founded objection to an immediate Order of Discharge.

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3. If on the hearing of any application for an Order of Discharge the Assignee or any Creditor shall allege, and with or if without such allegation the Court shall be of opinion that there is ground for charging the Bankrupt with acts or conduct amounting to a misdemeanor under this Act, the Court shall appoint a day for trying the Bankrupt on such charge, and if the Bankrupt require it, shall summon a Jury for such purpose, and the Attorney General shall either conduct the prosecution himself or appoint some other so to do.
4. If on such Trial by a Jury, or by the Court alone, the Bankrupt shall be convicted of any offence by this Act made a misdemeanor, the Court shall, in addition to the punishment awarded for the offence, have power to direct that the Order of Discharge be either wholly refused or suspended during such time as it shall think fit.
5. If the Bankrupt shall not be accused of acts amounting to Misdemeanor, or if he shall have been accused and acquitted, but in either case there shall be made, or appear to the Court to exist, objection to the granting of an immediate Discharge, the Court shall proceed to consider the conduct of the Bankrupt before and after Adjudication, and the manner and circumstances in and under which his Debts have been contracted; and if the Court shall be of opinion that the Bankrupt has carried on trade by means of fictitious Capital, or that he could not have had at the time when any of his Debts were contracted, any reasonable or probable ground of expectation of being able to pay the same; or, that if a Trader he has, with intent to conceal the true state of his affairs, wilfully omitted to keep proper Books of Account, or whether Trader or not, that his Insolvency is attributable to rash and hazardous speculation, or unjustifiable extravagance in living, or that he has put any of the Creditors to unnecessary expense by frivolous or vexatious defence to any action or suit to recover any debt or money due from him, the Court may either refuse an Order of Discharge, or may suspend the same from taking effect for such time as the Court may think fit.

Criminal prosecutions by order of the Court.

114. In every case of accusation against a Bankrupt of acts amounting to a Misdemeanor, it shall be competent to the Court to direct that the Bankrupt be indicted, and prosecuted at the next Assizes.

When order to take effect.

115. In all other cases, the Order of Discharge shall take effect immediately from its date, subject to the appeal hereinafter provided.

Effect of discharge.

116. The Order of Discharge shall, upon taking effect, discharge the Bankrupt from all debts, claims, or demands proveable under

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his Bankruptcy; and if thereafter he shall be arrested, or any action shall be brought against him for any such debt, claim, or demand, he shall be discharged upon entering an appearance, and may plead in general, that the cause of action accrued before he became a Bankrupt, and may give this Act and the special matter in evidence; and the Order of Discharge shall be sufficient evidence of the Bankruptcy, and the proceedings precedent to the Order of Discharge.

117. If a Bankrupt, after the Order of Discharge takes effect, be arrested or detained in custody for a debt, claim, or demand, proveable under his Bankruptcy, where Judgment has been obtained before the Order of Discharge takes effect, the Chief Justice shall, on proof of the Order of Discharge, and unless there appear good reason to the contrary, direct the Officer who has the Bankrupt in custody to discharge him, which shall be done accordingly, without fee.

Release of Bankrupt when arrested after discharge.

118. The Order of Discharge shall not release or discharge any person who was a Partner with the Bankrupt at the time of the Bankruptcy, or was then jointly bound, or had made any Joint Contract with him.

As to Partners.

119. After the Order of Discharge takes effect, the Bankrupt shall not be liable to pay or satisfy any debt, claim, or demand proveable under the Bankruptcy, or any part thereof, on any Contract, Promise, or Agreement, verbal or written, made after Adjudication; and if he be sued upon any such Contract, Promise, or Agreement, he may plead, in general, that the cause of action accrued pending proceedings in Bankruptcy, and may give this Act and the special matter in evidence.

Contract after filing of Petition not binding on Bankrupt.

120. The Order of Discharge shall discharge the Bankrupt from the effects of any process issuing out of any Court, for contempt of any Court, for non-payment of money, or of costs or expenses in any Court, and from all costs which he would be liable to pay in consequence of or on purging his contempt; and a Bankrupt in custody under any such process as aforesaid shall, on obtaining an Order of Discharge, be entitled to be discharged from such custody forthwith.

Discharge from contempt.

121. Any Contract, Covenant, or Security made or given by a Bankrupt or other person with, to, or in trust for any Creditor, for securing the payment of any money as a consideration, or with intent to persuade the Creditor to forbear opposing the Order for Discharge, or to forbear to petition for a re-hearing of, or to appeal against the same, shall be void; and any money thereby secured or agreed to be paid, shall not be recoverable, and the party sued on any such Contract or Security may plead, in general, that the cause of action accrued pending proceedings in Bankruptcy, and may give this Act and the special matter in evidence.

Consideration given to induce Creditor to forbear opposition.

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Obtaining money, goods, &c., as an inducement to forbear opposition or to consent to allowance or discharge.

122. If any Creditor of a Bankrupt shall obtain any sum of money, or any goods, chattels, or security for money, from any person, as an inducement for forbearing to oppose, or for consenting to the allowance of the discharge of such Bankrupt, or to forbear to petition for the recall of the same, every such Creditor so offending shall forfeit and lose to the Crown for every such offence, the treble value or amount of such money, goods, chattels, or security so obtained, to be recovered before the Court in such manner as General Orders shall direct.

Re-hearing.

123. The Order of Discharge, whether suspended or not, shall not be reviewed by the Court, unless the Court see good cause to believe that the Order was obtained on false evidence, or by reason of the suppression of evidence, or otherwise fraudulently; in any of which cases the Court may, if it think fit, upon the application of the Bankrupt, or of a Creditor who has proved, and subject to such deposit for costs, and to such notices, by advertisement, or otherwise, as the Court shall think fit, grant a re-hearing of the matter, and re-hear it accordingly; and upon re-hearing, the Court shall make such Order as shall seem just, in like manner as it might upon an original hearing.

If suspended on re-hearing, subsequent Creditors to prove first against subsequent property.

124. If, on such re-hearing, the Court shall annul or suspend the Order of Discharge, all persons having bona fide become Creditors of the Bankrupt between the time of the Order originally taking effect and the time of its being annulled or suspended, on re-hearing shall, as against any property acquired by the Bankrupt during the same period, and in priority to the original Creditors, be admitted to prove and have dividends under the Bankruptcy.

Order when to be drawn up.

125. The Order of Discharge shall not be drawn up until after the expiration of the time allowed for appeal, or if an appeal be brought, until after the decision of the Court of Appeal upon such appeal, and shall bear date either the day after the expiration of the time allowed for appeal, or the day of the decision of the Court of Appeal, as the case may require.

Appeal against Order of Discharge.

126. At any time, within thirty days after any Order of Discharge shall have been allowed, and subject to such Order as to deposit of costs as General Orders shall direct, any Creditor of the Bankrupt, or any Creditors' Assignee, may, if the Order of Discharge has been made by the Commissioner, apply to the Chief Justice that such Order of Discharge may be recalled and delivered up to be cancelled; and the Chief Justice may, on good cause shown, order such Order of Discharge to be recalled and cancelled.

Form of Order.

127. The Order of Discharge shall be in such form as General Orders shall direct, and shall be under the hand of the Commissioner or Chief Justice, and the Seal of the Court, and notice of the granting thereof shall be advertised in one or more of the local papers.

As to Audit.

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128. No public sitting of the Courts shall be held for the sole purpose of auditing the Accounts of the Assignees, but such Accounts shall be audited in such manner as is herein provided, or as General Orders shall direct.

No public sitting for
audit.

As to Dividend.

129. At the expiration of four months from the date of the Adjudication of Bankruptcy, or as much earlier as the Court shall appoint, the Creditors' Assignee shall submit to a Meeting of Creditors to be called for that purpose, and to be held before the Registrar, of which Meeting, ten days' notice shall be given in the local newspapers, a statement of the whole Estate of the Bankrupt as then ascertained, of the Property recovered and of the Property outstanding, specifying the cause of its being so outstanding, and of all the receipts and all payments thereout, made or to be made; and the Creditors' Assignee shall and any Creditor who has proved may attend and examine such statement, and compare the receipts with the payments; and upon ascertaining what balance is then in the Court to the credit of the Estate the Meeting shall by resolution declare whether any and what part of the net produce of the Estate, after making a reasonable deduction for future contingencies, shall be divided amongst the Creditors. At the same Meeting the Creditors shall determine whether any and what allowance shall be made to the Bankrupt out of his Estate, if he has obtained or shall obtain a discharge.

Dividend.

130. If upon such examination it shall appear that the Creditors' Assignee has kept in his hands at any time during the space of one week more than the sum of fifty pounds belonging to the Estate, the Creditors may, upon establishing such fact to the satisfaction of the Court, and if the Assignee shall not show cause to the contrary, debit such Assignee with Interest for the amount so kept at any rate not exceeding Twenty Pounds per centum by the year, for the time such Moneys were kept in his hands.

Assignee not to keep
money in his hands.

131. In the calculation of a Dividend it shall be imperative to make provision for Debts which shall appear from the Bankrupt's balance-sheet to be due to persons resident in places so distant from the Court that in the ordinary course of communication they have not had sufficient time to tender their Proofs or to establish them if disputed, and also for Debts, the subject of claims not yet determined by the Court.

Where Creditors
reside at a distance.

132. In every case where joint and separate Estates have to be administered, and where the Court shall not otherwise direct, Dividends of the joint and separate Estates shall be declared at one and the same meeting, and notice of the time appointed for such Dividends, when advertised shall be given in one and the same advertisement, and the costs, charges, and expenses of and

Joint and separate
Dividend Meetings.

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incident to the meeting shall be apportioned by the Assignee between the joint and separate Estates as may appear to be fair and reasonable, having regard to the work done for and the benefit received by each Estate; and a single Fee and no more shall be payable to the Solicitor to the Estate in respect of the meeting.

Dividend List to be prepared by Creditors' Assignee.

133. Within ten days after such meeting, or within such further time as the Court may allow, the Creditors' Assignee shall prepare lists of Creditors entitled to Dividend, and shall calculate and set opposite to the name of each Creditor who has proved under the Estate (subject to the provision herein contained as to Dividends reserved) the Dividend to which he is entitled out of the net produce of the Estate so set apart for a Dividend, and shall forward by post to every such Creditor a statement of the Dividend to which he is so entitled, and such Dividends shall be paid at the Registrar's office, or otherwise in such manner as General Orders shall direct.

Like proceedings at successive periods of four months.

134. The like proceedings for the making up and auditing of the Accounts of the Estate, and the Declaration and Payment of a Dividend, which are herein directed to be had at the expiration of four months from the Adjudication of Bankruptcy, shall be had at the successive expirations of every period of four months, or earlier, as [the case may be, until the whole of the Estate is divided amongst the Creditors, and a Dividend is declared to be final; provided, that it shall be lawful for any such meeting of Creditors as aforesaid to postpone the period of declaring a Dividend, or at any time in declaring a second Dividend, to declare also that such second Dividend shall be final, unless any action at Law, or suit in Equity be depending, or any part of the Estate be standing out, not sold or disposed of, or unless some other Estate or Effects of the Bankrupt shall afterwards come to the Assignee, in which case he shall, as soon as may be, convert such Estate and Effects into money, and within two months after the same shall be so converted, the same shall also be divided in manner aforesaid.

As to the discharge of the Creditors' Assignee.

Creditors to pass a Resolution on the conduct of the Creditors' Assignee, after which the Creditors' Assignee may apply to the Court for a Discharge.

135. After a final Dividend shall have been declared and paid, the Creditors' Assignee shall call a meeting of the Creditors, to consider his application for a discharge, and at such meeting he shall lay before the Creditors his books and papers of accounts, and all the documents relating to the Bankrupt's Estate and useful to be laid before the Creditors for the purpose of enabling them to consider the conduct and management thereof; and the Creditors shall then come to a Resolution expressing their opinion of the conduct of the Creditors' Assignee; and the Creditors' Assignee may thereafter apply to the Court for an Order of Discharge, and the Court shall thereupon take into consideration the accounts of the Creditors' Assignee, and the said Resolution of the Creditors

expressing their opinion of his conduct, and may hear the Creditors' Assignee, and any of the Creditors, for or against such Order, and may direct such inquiries, and call for such evidence, as the Court may think fit; and the Court shall thereupon make such Order of Discharge, with or without conditions, or refuse the same, or generally make such Order, as to the Court shall seem fit, and the justice of the case shall require.

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136. The Order of Discharge shall operate to release the Creditors' Assignee from all claims and demands of the Creditors, or of any person who might have proved under the Bankruptcy, subject, nevertheless, to such conditions, if any, as shall be expressed in such Order of Discharge. Effect of Discharge.

137. Every Creditors' Assignee shall, before his discharge, transmit to the Official Assignee a List of Unclaimed Dividends on the Estate, and of all debts remaining due to the Estate, under his hand; and shall pay all moneys and other Estate of the Bankrupt then in his hands into the Court, to the credit of the Estate. Unclaimed Dividends to be paid into Court.

138. When the Creditors' Assignee has obtained an Order of Discharge in manner herein provided, the Official Assignee appointed in the matter in Bankruptcy shall, as to any Estate and Effects of the Bankrupt not realized at the time of such Order of Discharge, and as to all debts remaining uncollected, and which shall not have been sold in manner herein provided, represent the Estate in all respects as the Sole Assignee thereof, and shall have and exercise all the rights, duties, powers, and authorities conferred by this Act upon Official and Creditors' Assignees. Official Assignee to act after discharge of Creditors' Assignee.

139. All Unclaimed Dividends, and all moneys unclaimed, the produce of any Bankrupt Estate shall, after the expiration of the period of twelve months from the Dividend having been declared, or from the time at which any other moneys unclaimed shall have come to the hands of the Assignee, be paid unto the Treasurer, and shall be placed by him to the credit of the Accountant in Bankruptcy, in an account to be intituled the "Unclaimed Dividend Account," which shall be subject to the Order of the Court for the payment thereof of any Dividend due to any Creditor, or for the distribution of any such other unclaimed money. Unclaimed Dividends.

As to change from Bankruptcy to Arrangement.

140. At the first meeting of Creditors, held after Adjudication, in manner herein provided, or at any meeting to be called for the purpose, and of which ten days' notice shall have been given in one of the local papers, three-fourths in value of the Creditors present or represented at such meeting, may resolve that the Estate ought to be wound up under a Deed of Arrangement, Composition, or otherwise, and that an application shall be made to the Court to stay proceedings in the Bankruptcy for a period not exceeding two months. Majority of Creditors may resolve that Estate may be wound up out of Court.

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Resolution to be
reported to the
Court.

141. The Official Assignee shall report such Resolution to the Court, within four days from the date of such Resolution, and the Bankrupt, or any Creditor nominated in that behalf by the meeting, may then apply to the Court that the proceedings in Bankruptcy may be stayed in the terms of such Resolution; and the Court, after hearing the Bankrupt and such Creditors as may desire to be heard for or against the Resolution, and if it shall find that the Resolution was duly carried, and that its terms are reasonable, and calculated to benefit the general body of the Creditors under the Estate, shall confirm the same, and make Order accordingly; and in such Order shall give such directions as to the interim management of the Estate as it shall deem expedient.

Deed of Arrange-
ment to be produced
to the Court.

142. If the proceedings in Bankruptcy be stayed as herein provided, the Bankrupt, or any Creditor nominated in that behalf by the meeting aforesaid, may at any time within the period during which the proceedings are so stayed, produce to the Court a Deed of Arrangement signed by or on behalf of three-fourths in value of all the Creditors of the Bankrupt; and the Court may consider the same, and may examine on oath the Bankrupt and any of the Creditors who may desire to be heard in support of or opposition to the Deed, and may make such other inquiry as it may think necessary; and if the Court shall be satisfied that the Deed has been duly entered into and executed, and that its terms are reasonable and calculated to benefit the general body of the Creditors under the Estate, it shall by order make a Declaration for the complete Execution of the Deed, and shall direct the same to be registered with the Registrar, and shall also, if the Court think fit, annul the Bankruptcy; and such Deed shall be thereafter as binding in all respects on any Creditor who has not executed the Deed as if he had executed it, provided such Deed be registered with the Registrar in manner directed by the order.

Court to have juris-
diction to entertain
applications.

143. Either before or after such Order, the Court shall have jurisdiction to entertain any application of the Bankrupt, or of any party to the Deed, or of any Creditor, or person claiming to be a Creditor, respecting the disclosure, distribution, inspection, conduct, management, or winding up of the Bankrupt's Estate and affairs, or any act or thing relating thereto, or respecting the execution of any of the Trusts or Provisions of the Deed, or the audit or examination of the Accounts of a Trustee or Inspector, or the taxation or examination of the Costs or Charges of any Attorney, Solicitor, Accountant, Auctioneer, Broker, or other person acting or employed under the Deed, or generally for the decision of any dispute or question; and shall also have jurisdiction to entertain any application of any such person as aforesaid, respecting any matter for the submission whereof to the Court provision is made by the Deed, or any matter arising between any of the said persons and any other person appearing and submitting

to the jurisdiction of the Court; and the Court shall determine all questions arising under the Deed according to the Law and Practice in Bankruptcy, so far as they may be applicable, and on entertaining any such application shall have power to make all such Orders as shall seem just, and to enforce all such Orders as in Bankruptcy.

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Questions to be decided according to Law of Bankruptcy.

144. The Court shall have power, for the purpose of any application under these provisions, or for the better execution of any powers given to the Court thereby, to summon and to examine upon oath, or otherwise, the Bankrupt and any party to the Deed, and any Creditor, or person claiming to be a Creditor, and any person known or suspected to have any of the Estate in his possession, or any person supposed to be indebted to the Estate, or whom the Court may deem capable of giving any information material to the full disclosure of the Debtor's transactions and affairs, or to the carrying into effect the provisions of the Deed; and the Court may exercise, as to the examination of such persons and the production by them of such Books, Papers, Deeds, or Documents as it shall deem requisite, the same powers that are vested in the Court with relation to the examination of persons and witnesses, and the production of Books, Papers, Deeds, and Documents in matters of Bankruptcy.

Power of the Court to summon and examine.

145. If the Resolution aforesaid shall not be duly reported, or if the Court shall refuse the application to stay proceedings, or if the Deed of Arrangement shall not be duly produced, or if upon its production the Court shall not think fit to approve thereof, the Bankruptcy shall proceed as though no such Resolution had been passed, and the Court may make all necessary Orders for resuming the proceedings in Bankruptcy, and the period of time which shall have elapsed between the date of such Resolution and the date of the Order for resuming proceedings shall not be reckoned in calculating periods of time prescribed by this Act.

Where Bankruptcy to be continued or to be resumed.

146. If the Bankruptcy be annulled, as herein provided, the Order annulling the same shall be filed with the proceedings, and notice thereof shall be given in one of the local papers.

Where Bankruptcy annulled.

As to Trust Deeds for benefit of Creditors, Composition, and Inspectorship Deeds executed by a Debtor.

147. Every Deed or Instrument made or entered into between a Debtor and his Creditors, or any of them, or a Trustee on their behalf, relating to the debts or liabilities of the Debtor, and his release therefrom, and the distribution, inspection, management, and winding up of his Estate, or any of such matters, shall be as valid and effectual, and binding on all the Creditors of such Debtor, as if they were parties to and had duly executed the same; provided the following conditions be observed, that is to say:—

Trust Deeds, when valid.

1. Three-fourths in value of the Creditors of such Debtor, whose debts shall respectively amount to ten pounds and upwards

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- shall, before or after the execution thereof by the Debtor, in writing, assent to or approve of such Deed or Instrument.
2. If a Trustee or Trustees be appointed by such Deed or Instrument, such Trustee or Trustees shall execute the same.
 3. The execution of such Deed or Instrument by the Debtor, shall be attested by an Attorney or Solicitor.
 4. Immediately on the execution thereof by the Debtor, possession of all the property comprised therein, of which the Debtor can give or order possession, shall be given to the Trustees.
 5. Within twenty-eight days from the day of the execution of such Deed or Instrument by the Debtor, the same shall be produced and left at the office of the Registrar for the purpose of being registered.
 6. Together with such Deed or Instrument there shall be delivered to the Registrar an affidavit by the Debtor or some person able to depose thereto, or a Certificate by the Trustee or Trustees, that three-fourths in value of the Creditors of the Debtor, whose debts respectively amount to ten pounds or upwards, have in writing assented to or approved of such Deed or Instrument, and also stating the amount in value of the property and credits of the Debtor comprised in such Deed.

On fulfilment of the conditions aforesaid, such Deed or Instrument shall be valid and effectual.

Particulars of Deed
to be entered by
the Registrar.

148. The date, names, and description of the parties to every such Deed or Instrument, together with a short statement of the nature and effect thereof, shall be entered by the Registrar in a Book to be kept exclusively for the purposes of such Registration. Such entry shall be made within forty-eight hours after the Deed shall have been left with the Registrar as aforesaid, and a copy of such entry shall be published in one of the local newspapers within four days after the making of such entry.

Deed to be registered.

149. Every Deed, Instrument, or Agreement whatsoever, by which a Debtor, not being a Bankrupt, conveys or covenants, or agrees to convey his Estate and Effects, or the principal part thereof, for the benefit of his Creditors, or makes any arrangement or agreement with his Creditors, or any person on their behalf, for the distribution, inspection, conduct, management, or winding up of his Affairs or Estate, and the release or discharge of such Debtor from his Debts or Liabilities, shall within twenty-eight days from and after the execution thereof by such Debtor, or within such further time as the Court shall allow, be registered in the Court of Bankruptcy, and in default thereof shall not be received in evidence.

Memorandum of
particulars.

150. Every such Deed, on being so registered as aforesaid, shall

have a Memorandum thereof written on the face of such Deed, stating the day and the hour of the day at which the same was brought into the office of the Registrar for Registration.

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151. From and after the Registration of every such Deed or Instrument in manner aforesaid, the Debtor, and Creditors, and Trustees, parties to such Deed, or who have assented thereto, or are bound thereby, shall, in all matters relating to the Estate and Effects of such Debtor, be subject to the jurisdiction of the Court of Bankruptcy, and shall respectively have the benefit of, and be liable to, all the provisions of this Act, in the same or like manner as if the Debtor had been adjudged a Bankrupt, and the Creditors had proved, and the Trustees had been appointed Creditors' Assignees under such Bankruptcy; and the existing or future Trustees of any such Deed or Instrument, and the Creditors under the same shall, as between themselves respectively, and as between themselves and the Debtor, and against third persons, have the same powers, rights, and remedies with respect to the Debtor and his Estate and Effects, and the collection and recovery of the same, as are possessed or may be used or exercised by Assignees or Creditors with respect to the Bankrupt, or his acts, Estate, and Effects in Bankruptcy; and, except where the Deed shall expressly provide otherwise, the Court shall determine all questions arising under the Deed, according to the Law and Practice in Bankruptcy, so far as they may be applicable, and shall have power to make and enforce all such Orders as it would be authorized to do if the Debtor in such Deed had been adjudged Bankrupt, and his Estate were administered in Bankruptcy.

Jurisdiction of the Court.

152. After notice of the filing and Registration of such Deed has been given as aforesaid, no Execution, Sequestration, or other Process against the Debtor's property, in respect of any debt, and no Process against his person, in respect of any debt, other than such Process by Writ or Warrant as may be had against a Debtor about to depart out of the Colony, shall be available to any Creditor or Claimant without leave of the Court, and a Certificate of the filing and Registration of such Deed, under the hand of the Registrar and the Seal of the Court, shall be available to the Debtor for all purposes as a protection in Bankruptcy.

Protection to Debtor.

153. In case any Petition shall be presented for an Adjudication in Bankruptcy against a Debtor, after his execution of such Deed or Instrument as is hereinbefore described, and pending the time allowed for the Registration of such Deed or Instrument, all proceedings under such Petition may be stayed, if the Court shall think fit; and in case such Deed or Instrument shall be duly Registered as aforesaid, the Petition shall be dismissed.

Stay of Proceedings.

154. If a Debtor cannot obtain the assent of three-fourths in value of his Creditors, by reason of his being unable to ascertain

Where Creditors not known.

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by whom Bills of Exchange, Promissory Notes, or other negotiable Securities, accepted, drawn, made, or endorsed by him are holden, or by reason of the absence of Creditors in a foreign country, or other similar circumstances, it shall be sufficient if he obtain the consent of three-fourths in number and value of all his other Creditors to such Deed or Instrument as aforesaid; provided that in either of such cases the affidavit or Certificate of the Trustee or Trustees shall state the circumstances of the case, and provided the Deed or Instrument be in such form as is expressed in Schedule C. to this Act annexed, which shall vest all the Estate and Effects of the Debtor in the Trustees of such Deed, and provided that all such other conditions as are hereinbefore required be duly complied with.

As to Persons of unsound mind.

Adjudication
against Lunatic
Debtor.

155. If any person of unsound mind shall be in prison for debt, the Gaoler shall forthwith require a Justice of the Peace to visit such Debtor, and to enquire into his state of mind; and if such Justice shall be satisfied from his own view, and upon examination on oath of competent witnesses, that such Debtor is of unsound mind, he shall certify the same to the proper Court, and thereupon the Court may appoint some person to represent such Debtor, and direct such proceedings to be taken for Adjudication in Bankruptcy against him as the Court shall think fit; and all proceedings under such Adjudication shall be had and carried on in the same manner, and with the like effect, as if such prisoner had been of sound mind, and had presented a Petition to the Court for Adjudication of Bankruptcy, or as near thereto as the difference of circumstances will permit.

Proceedings as
under ordinary
Adjudication.

As to Notices.

Notice to be sent
by post.

156. All notices by this Act, or by General Orders, required to be served on any person, may be sent by post, addressed to the last known place of abode or business of such person, subject to such regulations and otherwise as such General Orders shall direct; provided that this present clause shall not apply to or affect notices by this Act, or by any General Order, required to be personally served.

Advertisements.

157. General Orders respecting the form and contents of notices in the local newspapers, and otherwise, may provide for notices concerning more Bankruptcies than one being comprised in one advertisement.

As to Evidence.

Proceedings pur-
porting to be sealed
with the Seal of the
Court receivable in
evidence.

158. Any Petition for Adjudication, or Arrangement, or Distribution, Adjudication of Bankruptcy, or Order for Distribution, Assignment, Appointment of Official or Creditors' Assignee, Certificate, Deposition, or other Proceeding or Order in Bank-

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ruptcy, or under any of the provisions of this Act, appearing to be sealed with the Seal of any Court under this Act, or any writing purporting to be a copy of any such Document, and purporting to be so sealed, shall at all times, and on behalf of all persons, and whether for the purposes of this Act, or otherwise, be admitted in all Courts whatever, as evidence of such Documents respectively, and of such Proceedings and Orders having respectively taken place, or been made, and be deemed respectively Records of such Court, without any further proof thereof; and no such Document or copy shall be receivable in evidence unless the same appear to be so sealed, except where otherwise in this Act specially provided.

159. All Courts, Judges, Justices, and persons judicially acting, and other Officers, shall take judicial notice of the signature of the Chief Justice, or of any Commissioner or Registrar of the Court, and of the Seal of the Court, subscribed or attached to any Judicial or Official Proceeding or Document to be made or signed under the provisions of this Act.

Judicial Notice to be taken of signature of Judge or Registrar and of the Seal of the Court.

160. If any person shall forge the signature of the Chief Justice, or of any Commissioner or Registrar, or shall forge or counterfeit the Seal of the Court, or knowingly concur in using any such forged or counterfeit signature or seal for the purpose of authenticating any proceeding or document, or shall tender in evidence any such proceeding or document with a false or counterfeit signature of any such Chief Justice, Commissioner, or Registrar, or a false or counterfeit seal of the Court, subscribed or attached thereto, knowing such signature or seal to be false or counterfeit, every such person shall be guilty of felony. Any affidavit of any prisoner in any of Her Majesty's Prisons or Gaols to be used in any matter under this Act may be sworn before the Gaoler of such Prison or Gaol; and every such Gaoler is hereby required and authorized to administer the oath upon any such affidavit without fee or reward.

Forging Signature of Commissioner or Officer, or the Seal of the Court.

161. All Bankrupts shall, and the wives of such Bankrupts shall, when so required by the Court, make and sign the declaration contained in the Schedule D. to this Act, but such declaration shall not in any case exempt such Bankrupt or Bankrupt's wife from being examined upon oath if the Court or any Creditors shall so require.

Bankrupt and Bankrupt's Wife to be examined upon Declaration and Oath.

As to Powers of the Court in aid of the Court of Chancery.

162. The Chief Justice shall, with such advice and consent as aforesaid, make such General Orders and Regulations for the several purposes hereinafter specified, or any of them, as he shall think fit, that is to say:—

Chief Justice to make General Rules for the following purposes, viz. :

For making provision for taking down the evidence and ex-

For taking down evidence.

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amination to be taken under the authority of this Act, and for providing for the filing, depositing, and preservation of the examinations, depositions, affidavits, proceedings, certificates, and reports under any reference, and the means of access to and obtaining copies of the same.

Rules of Examination.

163. The same rules shall prevail in regard to the examination and depositions of witnesses as for the time being shall be in force with regard to the examination and depositions of witnesses in the Court of Chancery.

Perjury.

164. Any person who shall before such Commissioner or Registrar wilfully give false evidence, or wilfully swear, affirm, declare, or attest falsely in any examination, affidavit, or deposition, shall be liable to the penalties and consequences of wilful and corrupt perjury.

As to Costs.

Costs.

165. The Court acting under this Act may, in all matters before it award such costs as shall seem fit and just; and all costs so awarded shall be recoverable in the same manner as costs awarded by a Rule of the Supreme Court may be recovered, and the like remedies may be had, upon an order of such Court for costs as upon a Rule of the said Supreme Court for costs; but no such order shall affect any lands, tenements, or hereditaments, as to purchasers, mortgagees, or creditors, unless, and until it shall be registered under the provisions of the Land Registry Act, 1860, and if necessary re-registered in like manner as (in order to bind such purchasers, mortgagees, or creditors) it must have been if it had originally been a judgment or rule obtained or entered up in the Supreme Court.

As to Misdemeanors under this Act.

Misdemeanors.

166. From and after the commencement of this Act, any Bankrupt who shall do any of the acts or things following, with intent to defraud or defeat the rights of his Creditors, shall be guilty of a Misdemeanor, and shall be liable, at the discretion of the Court before which he shall be convicted, to punishment by imprisonment for not more than three years, or to any greater punishment attached to the offence by any existing statute.

1. If he shall not on the day limited for his surrender and before three of the clock of such day, or at the hour and upon the day allowed him for finishing his examination, after notice thereof in writing, to be served upon him personally or left at his usual or last known place of abode or business, and after the notice herein directed in the local newspapers, surrender himself to the Court (having no lawful impediment allowed by the Court) and sign or subscribe such surrender and submit to be examined before such Court from time to time.

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2. If he shall not upon his examination fully and truly discover, to the best of his knowledge and belief, all his property, real and personal, inclusive of his rights and credits, and how and to whom, and for what consideration, and when he disposed of, assigned, or transferred any part thereof, except such part as has been really and bona fide before sold or disposed of in the way of his trade or business, if any, or laid out in the ordinary expense of his family, or shall not deliver up to the Court, or dispose as the Court directs, of all such part thereof as is in his possession, custody, or power, except the necessary wearing apparel of himself, his wife, and children, and bedding and other necessities of himself and family, and his working tools and implements, not exceeding in the whole the value of twenty-five pounds; and deliver up to the Court all books, papers, and writings in his possession, custody, or power, relating to his property or affairs.
3. If he shall after adjudication or within sixty days prior to adjudication, with intent to defraud his Creditors, remove, conceal, or embezzle any part of his property to the value of ten pounds or upwards.
4. If in case any person having to his knowledge or belief proved a false debt under his Bankruptcy, he shall fail to disclose the same to his Assignees within one month after coming to the knowledge or belief thereof.
5. If he shall, with intent to defraud, wilfully and fraudulently omit from his Schedule any effects or property whatsoever.
6. If he shall after the filing of the Petition for Adjudication, with intent to conceal the state of his affairs, or to defeat the object of the Law of Bankruptcy, conceal, prevent, or withhold the production of any book, deed, paper, or writing relating to his property, dealings, or affairs.
7. If he shall, after the filing of the Petition for Adjudication, or within three months next before Adjudication, with intent to conceal the state of affairs, or defeat the objects of the Law of Bankruptcy, part with, conceal, destroy, alter, mutilate, or falsify, or cause to be concealed, destroyed, altered, mutilated, or falsified, any book, paper, writing, or security, or document relating to his property, trade, dealings, or affairs, or make or be privy to the making of any false or fraudulent entry, or statement in, or omission from, any book, paper, document, or writing relating thereto.
8. If within the like time he shall, knowing at the time he is unable to meet his engagements, fraudulently, and with intent to diminish the sum to be divided amongst the general body of his Creditors, or to give an undue preference

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to any of his Creditors, have paid or satisfied any such Creditor wholly or in part, or have made away with, mortgaged, encumbered or charged any part of his property of what kind soever, or if after Adjudication, he shall conceal from the Court or his Assignee any debt due to or from him.

9. If, being a Trader he shall, under his Bankruptcy, or at any meeting of his Creditors within three months next preceding the filing of the Petition for Adjudication, have attempted to account for any of his property by fictitious losses or expenses.

10. If, being a Trader he shall, within three months next before the filing of the Petition for Adjudication, under the false color and pretence of carrying on business and dealing in the ordinary course of trade, have obtained on credit from any person any goods or chattels with intent to defraud.

Power of Judge
and Commissioner.

167. If it shall at any time appear to any Court, under this Act, that the Bankrupt has been guilty of any of the offences in the next preceding Section set forth, such Court shall have and may exercise such jurisdiction, rights, powers, and privileges for the summoning, apprehending, committing, remanding, bailing, and otherwise proceeding, in respect of such Bankrupt, as are exercised by and vested in Her Majesty's Justices of the Peace in respect of persons against whom a charge or complaint shall have been made before any one or more of the said Justices, in respect of any Felony or indictable Misdemeanor committed within the limits of the jurisdiction of such Justice or Justices.

Indictment.

168. In any indictment or information for any Misdemeanor under this Act, it shall be sufficient to set forth the substance of the offence charged, without alleging or setting forth any debt, act of Bankruptcy, Petition, or Adjudication, or any Summons, Warrant, Order, Rule, or Proceeding of or in any Court acting under this Act.

Persons disobeying
Order of Court.

169. If any person shall disobey any Rule or Order of the Court duly made for enforcing any of the purposes and provisions of this Act, the Court may, by Warrant in form contained in the Schedule E. to this Act annexed, commit the person so offending to the Queen's Prison or to the Common Gaol, there to remain without bail or mainprise until such Court or the Court of Appeal, in case such commitment be ordered by any Commissioner, shall make order to the contrary.

As to the Definition and Explanation of Terms.

Definition of terms.

170. The terms and words hereinafter enumerated or explained wheresoever occurring in this Act, shall be understood as hereinafter defined or explained, unless it be otherwise specially provided or there be something in the subject or context repugnant to such definition or explanation; that is to say:—

- "Annulling" shall mean also "superseding."
- "Assignee" shall mean the Assignee of the Estate and Effects of the Bankrupt or Petitioner, chosen by the Creditors, and until such Assignee shall be chosen, or where no such Assignee shall exist, shall mean the Official Assignee.
- "Bankrupt" shall mean any person who shall be by any Court under the provisions of this Act adjudicated Bankrupt.
- "Court," "The Court," "The Courts," shall mean the Supreme Court of Civil Justice sitting in Bankruptcy, and also the Court over which the Commissioner shall preside.
- "Creditor" shall also mean any two or more persons being Partners, and Incorporated and Joint Stock Companies.
- "Creditors present at any Meeting," shall include Creditors who are represented by some person duly authorized by any such Creditor in writing.
- "Gaoler" shall include the Keeper or Governor of any Gaol or Prison.
- "Oath," "Affidavit," shall mean and include the Declaration or Affirmation of any person whom any Act of the Legislature shall have authorized to make such Declaration or Affirmation in lieu of an Oath.
- "Petition for Adjudication," or "Petition in Bankruptcy," shall mean any Petition by or against a Debtor for Adjudication of Bankruptcy.
- "Petitioning Creditor," shall mean the Creditor who filed the Petition for Adjudication.
- "Property," shall mean and include all the Real and Personal Estate and Effects of the Petitioner or Bankrupt within this Colony and abroad (except as herein provided), and all the future Estate, Right, Title, Interest, and Trust of such Petitioner or Bankrupt, in or to any Real or Personal Estate and Effects within this Colony, or abroad, which may revert, descend, or be devised, or bequeathed, or come, and all debts due or to be due to him before he shall have obtained his discharge.
- "Prisoner," shall mean any person in actual custody within the walls, rules, or liberties of any Prison in the Colony of Vancouver Island, for any debt, damages, costs, sum or sums of money, or for any contempt by reason of non-payment of any sum or sums of money or costs.
- "Suit," shall include Action at Law, and Suit in Equity, or other proceeding.
- For the purposes of this Act, all persons shall be deemed Traders, who prior to the commencement of this Act would have been liable to be adjudicated Bankrupt under the Laws of Bankruptcy then in force.

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"Computation of time."

In all cases in which any particular number of days is prescribed by this Act, or shall be mentioned by any Rule or Order of Court which shall at any time be made under this Act, for the doing of any act, or for any other purpose, the same shall be reckoned, in the absence of any expression to the contrary, exclusive of the first and inclusive of the last day, unless the last day shall happen to fall on a Sunday, Christmas Day, Good Friday, Monday and Tuesday in Easter Week, or a day appointed for a Public Fast or Thanksgiving, and on such other days as the Chief Justice may appoint by General Orders, in which case the time shall be reckoned exclusive of that day also.

"Number and Gender."

Words importing the singular number, or the masculine gender only, shall be understood to include several matters as well as one matter, and several persons as well as one person, and bodies corporate as well as individuals, and females as well as males; and words importing the plural number shall be understood to apply to one matter as well as more than one, and to one person as well as more than one.

Repeal of Acts.

171. The Acts and parts of Acts set forth in Schedule F. to this Act, to the extent to which they are therein expressed to be repealed, and all other Acts or parts of Acts which are inconsistent with this Act are repealed; but such repeal shall not affect any proceeding pending, or any right that has arisen or may arise, or any penalty incurred or that may be incurred, in respect of any transaction, act, matter, or thing done or existing prior to or at the commencement of this Act, under or by virtue of any of the Acts or parts of Acts repealed.

Act to take effect
1st day of March,
1862."

172. This Act, except where otherwise specially provided, shall commence and take effect from and after the first day of March, one thousand eight hundred and sixty-two, and may be cited for all purposes as "The Bankruptcy Act, 1862."

SCHEDULE A.

AMENDED by Order
of Court of 11th
June, 1870.
(See Appendix.)

<i>Document.</i>	<i>FEES.</i> £ s. d.		
Every Petition presented to the Court of Bankruptcy for Adjudication of Bankruptcy, or for arrangement between any Debtor and his Creditors, or for the distribution of the Estate and Effects of a deceased Debtor	5	0	0
Every such Petition when presented to the Court by Traders whose Debts do not exceed £300.....	1	0	0
Every Order of Discharge.....	1	0	0
Every Declaration of Insolvency.....	2	6	

	£	s.	d.	A.D. 1862.
Every Registration of Trust Deeds.....	10	0		
Every Summons of Judgment Debtor or Debtors	2	6		
Every Admission of such Debtor	2	6		
Every Deposition of Good Defence.....	2	6		
Every Bond with Sureties.....	5	0		
Every Application for search for Petition or other Proceeding.....	1	0		
Every Application for Appointment of any Private Sitting or Meeting in any matter under this Act	5	0		
Every Allocatur by an Officer of the Court, for any Costs, Charges, or Disbursements, where such Bill of Costs shall not exceed £5	1	6		
Exceeding £ 5, and not exceeding £ 10.....	2	6		
" 10 " " 20.....	5	0		
" 20 " " 30.....	7	6		
" 30 " " 50.....	10	0		
" 50 " " 100.....	15	0		
" 100 " " 150.....	1	0	0	
" 150 " " 200.....	1	10	0	
" 200 " " 300.....	2	0	0	
" 300 " " 500.....	3	0	0	
" 500	5	0	0	

SCHEDULE B.

BANKRUPTCY ACT, 1862.

(In Bankruptcy.)

Warrant of Committal of Bankrupt or other Party for unsatisfactorily answering or for refusing to sign his examination.

COURT OF BANKRUPTCY:

Whereas G. H. of , in the District of , was on the day of , duly sworn and examined in this Court, and the said was again on the day of , duly sworn and examined in this Court, as by the Examination and Deposition of the said , now on the file of Proceedings in this matter, will appear.

And whereas the answers of the said , as now so appearing in said Examination and Deposition, are unsatisfactory, [or the said refused to sign and subscribe this said Examination and Deposition].

These are therefore to authorize and require you, immediately upon the receipt hereof, to take into your custody the said , and him safely convey to Her Majesty's Prison of , and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into his custody there, and him safely keep and detain, without Bail, until this Court, or the Court of Appeal in Chancery, sitting in Bankruptcy, shall make an Order to the contrary.

And, for so doing, this shall be your sufficient Warrant.

Given, under the Seal of the Court, this day of 18 :
J. K., Commissioner.

To , and to , Governor }
of the said Prison, or his Deputy there. }

A.D. 1862.

SCHEDULE C.

This Deed made the day of , between *A. B. [the Debtor]* and *C. D. and E. F. [the Trustees]* on behalf and with the assent of the undersigned Creditors of *A. B.*, witnesseth that *A. B.* hereby conveys all his Estate and Effects to *C. D. and E. F.* absolutely, to be applied and administered for the benefit of the Creditors of *A. B.*, in like manner as if *A. B.* had been at the date hereof duly adjudged Bankrupt.

In witness whereof, &c.

Schedule of Creditors.

SCHEDULE D.

THE BANKRUPTCY ACT, 1862.

Form of Declaration to be made by the Bankrupt or the Bankrupt's Wife.

I, *A. B.*, the person declared a Bankrupt under a Petition for Adjudication of Bankruptcy filed on the day of , in the year of Our Lord [*or I, C. D., the wife of A. B., declared a Bankrupt under a Petition for Adjudication of Bankruptcy filed on the day of*], do solemnly promise and declare that I will make true answer to all such questions as may be proposed to me respecting all the property of the said *A. B.*, and all dealings and transactions relating thereto, and will make a full and true disclosure of all that has been done with the said property, to the best of my knowledge, information, and belief.

(Signed) *A. B. [or C. D., the wife of the said A. B.]*

SCHEDULE E.

THE BANKRUPTCY ACT, 1862.

Warrant against any Person disobeying any Rule or Order of Court.

Whereas by a Rule [*or an Order*] of this Court, bearing date the day of , made for enforcing the purposes and provisions of the Bankruptcy Act, 1862, [*or if of any other Act hereafter in force relating to the subject matters of this Act, or made or entered into by consent, for carrying into effect any of such purposes or provisions, alter the recital accordingly*] it was ordered that, [*&c., &c., as in the Rule or Order*].

And whereas it is now proved that, after the making of the said Rule [*or Order*], that is to say, on this day of , a copy of the said Rule [*or Order*] was duly served on the said , personally, and the original Rule [*or Order*] at the same time shown to him, but the said then refused [*or neglected*] to obey the same, and hath not as yet obeyed the said Rule [*or Order*]

These are therefore to will and require, and authorize you, immediately upon receipt hereof, to take into your custody the body of the said *A. B.*, and him safely convey to Her Majesty's Gaol [*or Prison*] of [*or called*] and him there to deliver to the Keeper of the said Prison, together with this Precept, and the Keeper of the said Prison is hereby required and

authorized to receive the said *A. B.* into his custody, and him safely to keep and detain, without Bail or Mainprise, until this Court, or the Court of Appeal in Chancery, sitting in Bankruptcy, shall make Order to the contrary.

And, for so doing, this shall be your sufficient Warrant.

Given, under my Hand and the Seal of Court, at the Court of Bankruptcy, Victoria, this day of , in the year of Our Lord one thousand eight hundred and

[L. S.] *A. B.*, Commissioner.

To or his Assistant, and to the Keeper
of Her Majesty's Prison [*or Gaol*] of
[*or called*] or his Deputy there. }

SCHEDULE F.

Acts and Parts of Acts repealed.

Date of Act.	Title.	Extent of Repeal.
1 & 2 Vict. c. 110	An Act for Abolishing Arrest on Mesne Process in Civil Actions, except in certain cases; for extending the Remedies of Creditors against the Property of Debtor; and for Amending the Laws for the Relief of Insolvent Debtors in England.	The whole, except §§ 1 to 22, both inclusive.
5 & 6 Vict. c. 116.	An Act for the Relief of Insolvent Debtors.	The whole.
7 & 8 Vict. c. 96.	An Act to Amend the Laws of Bankruptcy, Insolvency, and Execution.	Sections 1 to 56, both inclusive.
10 & 11 Vict. c. 102.	An Act to Abolish the Court of Review in Bankruptcy and to make alterations in the Jurisdiction of the Court of Bankruptcy and Court for Relief of Insolvent Debtors.	The whole, except Section 4.
12 & 13 Vict. c. 106.	An Act to Amend and Consolidate the Laws relating to Bankrupts.	Sections 8, 16, 18, 26, 39, 44, 48, 52, 54, 56, 60, 62, 63, 64, 70, 72, 73, 91, 93, 139, 160, 164, 183, 185, 187, 188, 189, 190, 194, 195, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, §§ 211 to 231, both inclusive, §§ 251, 252, 253, 255, 256, 257, 258, 259, and such other parts of the said Act as may be inconsistent with this present Act.
15 & 16 Vict. c. 57.	An Act to Abolish the Office of Lord Chancellor's Chief Secretary of Bankruptcy, and to regulate the Office of Chief Registrar of the Court of Bankruptcy.	Section 10.
17 & 18 Vict. c. 119.	An Act for Regulating Appointments to Offices in the Court of Bankruptcy, and for amending the Laws relating to Bankrupts.	Sections 3, 11, 12, 13, 14, 15, 20, 21, 22, 25, 26, 27.

No. 7.

A.D. 1862.
—

An Act to enlarge the time limited by the "Victoria Gas Company's Act, 1860," and the "Victoria Gas Company's Extension Act 1861," for the Establishment of Gas Works and Buildings by the Victoria Gas Company.

[3rd July, 1862.]

WHEREAS by the Second Section of the "Victoria Gas Company's Act, 1860," it was, amongst other things, provided that the Victoria Gas Company should, subject to the provisions therein contained, have the exclusive right, liberty, and privilege of selling Gas in the Town of Victoria, and laying down, and relaying, and connecting, disconnecting, and repairing all pipes, along, through, under, and over the streets, alleys, grounds, and thoroughfares of the said Town, that may be necessary for supplying Gas to the consumers thereof, for the term of five years from the final passage of the said Act:

And whereas it was by the Third Section of the said Act further provided, that the Company should within one year from the passage of the said Act, unavoidable casualties of the sea and fire not preventing, establish Gas Works and Buildings adequate to the supply of the Town of Victoria, and lay not less than five thousand feet of mains of an adequate diameter, and supply therefrom to all persons as therein mentioned an adequate amount of Gas of good quality, at the house, shop, establishment, or residence of the person requiring the same:

And whereas the said "Victoria Gas Company's Act, 1860," finally passed into Law on the 19th day of December, 1860:

And whereas by the "Victoria Gas Company's Extension Act, 1861," it was enacted that the said Company should and might establish, lay, and supply the works, buildings, mains, and Gas aforesaid, within an additional period of six months from the expiration of the said twelve months mentioned in the said "Victoria Gas Company's Act, 1860:"

And whereas the "Victoria Gas Company's Extension Act, 1861," finally passed into Law on the 19th day of December, 1861:

And whereas the said additional six months will expire on the 19th day of June, 1862:

And whereas the said Company has met with many great and unavoidable delays in carrying their said undertaking into execution, and it is expedient to give a further extension of time, during which they shall be authorized to establish, lay, and supply

the works, buildings, mains, and Gas aforesaid, and to further extend the exclusive privilege granted to them by the Second Section of the said "Victoria Gas Company's Act, 1860:"

A.D. 1862.
—

Be it therefore enacted by the Governor, on Her Majesty's behalf, by and with the consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies, as follows:—

1. The said Company shall and may establish, lay, and supply the works, buildings, main, and Gas aforesaid, within an additional period of three months from the passage of this Act.

2. The exclusive rights, liberties, and privileges in the Second Section of the "Victoria Gas Company's Act, 1860," mentioned, shall, subject to the provisions in the said "Victoria Gas Company's Act, 1860," contained, be enjoyed and had by the said Company for the term of five years from the passage of this Act.

3. This Act may be quoted as "The Victoria Gas Company's Short Title. Extension Act, 1862."

No. 8.

An act to Establish Fire Limits within the Town of Victoria.

A.D. 1862.
—

[9th July, 1862.]

WHEREAS it is expedient to prohibit the erection of Wooden Buildings within the Town of Victoria:

Be it enacted by His Excellency the Governor, on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and Assembly:—

1. That from and after the passage of this Act, no person shall erect any Wooden Building more than eighteen feet high, and not more than one story, within the limits of that portion of the Town of Victoria which is described in the Schedule to this Act annexed, under the penalty of five hundred pounds for each month during which such Building shall be erected, or in the course of erection.

2. Until the passage of an Act for the Incorporation of the Town of Victoria, the penalties aforesaid shall be recoverable in an action at the suit of the Attorney General, and shall be paid into the Treasury for the use of Her Majesty, Heir heirs and successors.

3. From and after the passage of such Act as last aforesaid, the said penalties shall be recoverable in an action at the suit of the said Corporation.

A.D. 1862.
—

4. The person paying over such penalties may pay the same to such person as may be appointed by the said Town Council, upon the production of an order for payment to some person named therein, signed by the Clerk of the Council, and countersigned by the Mayor or Presiding Councillor.

Short Title.

5. This Act may be cited as "The Victoria Fire Limit Act, 1862."

SCHEDULE.

All that piece of land bounded by Johnson Street on the North; the west side of Broad Street on the East; the north side of Fort Street on the South; by the Harbour on the West.

No. 9.

A.D. 1862.
—

An Act to protect the Property of a Wife deserted by her Husband.

[10th July, 1862.]

WHEREAS it is expedient to protect the Property of a Wife deserted by her Husband;

Be it therefore enacted by the Governor, on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and Assembly, as follows:—

1. That from and after the passing of this Act, a Wife deserted by her Husband may, at any time after such desertion, if resident within the Colony, apply to the Chief Justice of the Colony of Vancouver Island, or to a Police Magistrate, or Justice, or to the Justices in Petty or Quarter Sessions, for an order to protect any money or property she may acquire by her own lawful industry, and any property which she may become possessed of after such order against her Husband, or his Creditors, or any person claiming under him; and such Chief Justice, Police Magistrate, Justice or Justices in Petty or Quarter Sessions, if satisfied of the fact of such desertion, and that the same was without reasonable cause, and that the Wife is maintaining herself by her own industry or property, may make and give to the Wife an order protecting her earnings and property acquired since the date of such order, from her Husband, and all Creditors and persons claiming under him, and such earnings and property shall belong to the Wife as if she were a feme sole.

2. Provided, always, that every such order, if made by a Police Magistrate, Justice or Justices at Petty or Quarter Sessions, shall, within ten days after the making thereof, be entered with the Registrar of the Supreme Court; and if such order be made by the Chief Justice, be entered at the time of making thereof, by the said Registrar; and it shall be lawful for the Husband, and any Creditor, or other person claiming under him, to apply to the Supreme Court for the discharge thereof.

A.D. 1862.
—

3. Provided, also, that if the Husband, or any Creditor of, or person claiming under the husband, shall seize or continue to hold any property of the Wife, after notice of any such order, he shall be liable, at the suit of the Wife (which she is hereby empowered to bring) to restore the specific property, and, also, for a sum equal to double the value of the property so seized or held after such notice as aforesaid.

4. If any such order of protection be made, the Wife shall, during the continuance thereof, be, and be deemed to have been, from the date of such order, in the like position in all respects with regard to property and contracts, wrongs and injuries, and suing and being sued, as she would be if she were a feme sole, or had obtained a decree of judicial separation from a Court of competent jurisdiction; and her Husband shall not be liable in respect of any engagement or contract made by her, or for any wrongful act or omission by her, or for any costs she may have incurred during continuance of any such order of protection as aforesaid.

5. This Act may be cited as “An Act to protect the Property of
a Wife deserted by her Husband.” Short Title.

No. 10.

An Act to authorize the Governor of Vancouver Island to borrow the sum of Forty Thousand Pounds on the security of the General Revenue of the said Colony.

A.D. 1862.
—

[6th September, 1862.]

WHEREAS it is expedient to raise by Loan secured on the General Revenue of the said Colony, funds for the construction of Roads and other communications within the said Colony, and for the improvement of Victoria Harbour, and to make provisions for the redemption of such Loan:

And whereas by the “Victoria Harbour Act, 1860,” all moneys

A.D. 1862.

and dues paid and levied in pursuance of "The Victoria and Esquimalt Harbour Dues Act, 1860," were directed to be paid into a separate account in the Treasury as a security for certain Loans therein mentioned :

And whereas since the passage of the said "Victoria Harbour Act, 1860," the Loans effected by virtue of the said Act have been wholly paid off and redeemed :

Be it therefore enacted by His Excellency the Governor, on Her Majesty's behalf, by and with the consent of the Legislative Council and Assembly, as follows :—

Repeal of the Victoria Harbour Act.

The Governor may issue Debentures to the amount of £40,000.

1. The "Victoria Harbour Act, 1860," is hereby repealed.
2. It shall be lawful for the Governor for the time being of the said Colony from time to time, or at any time hereafter, to cause to be made out and issued, Debentures secured upon the General Revenue of the said Colony, for such sum or sums of money not exceeding Forty Thousand Pounds (£40,000) Sterling in the whole, as may be required for the purpose of constructing Roads and other communications within the interior of the said Colony, and for the purpose of improving Victoria Harbour.
3. All Debentures made out and issued under this Act shall bear interest at the rate of Six Pounds (£6) Sterling per centum per annum, payable half-yearly, and shall be redeemable and redeemed at the expiration of twenty years from the date hereof.
4. Every Debenture shall be for any sum or sums not less than One Hundred Pounds (£100) Sterling, which the said Governor shall determine, and which, together with the interest thereon, shall be payable in London at the offices of the Agents General for the time being for Crown Colonies, or at the Treasury of the said Colony.
5. The bearer of any of the said Debentures may alter the place of payment of the principal and interest to either the Treasury at Victoria, or the office in London of the Agents General for Crown Colonies, by giving six months' previous notice in writing, terminating on the 1st day of January, or the 1st day of July, at the previous place of payment (the Treasury at Victoria, or office in London of the Agents General aforesaid, as the case may be) of his will to make such alteration, and causing the Officer acting as Treasurer for the time being, or the said Agents General in London (who is and are hereby required so to do) to endorse on such Debenture a memorandum of such alteration.
6. All Debentures made out and issued under this Act shall be entered in a Register to be called the "Debenture Register;" one copy thereof shall be kept by the Agents General at their Offices in London, and another copy thereof by the Auditor of the said Colony; and such Debentures shall be deemed a primary charge

A.D. 1862.
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upon all the Revenues of the said Colony, from whatever source arising; and all interest thereon, and the principal when due, shall be paid to the Treasurer of the said Colony out of such Revenues, under Warrant to be issued by the said Governor, in priority of all demands thereon, except the charge and expenses of the collection thereof.

7. The said Debentures shall be signed by the Agents General for Crown Colonies, for and on behalf of the Colonial Government, and shall be in the form set forth in the Schedule to this Act marked A.; and shall bear date on the day of the issuing thereof, and shall be numbered arithmetically, beginning with number one and so proceeding in arithmetical progression, ascending, wherein the common excess or difference shall be one.

8. Interest Coupons, in the form marked B. in the said Schedule, shall be attached to each of the said Debentures, and shall be signed by the Agents General on behalf of the Government.

9. The said Debentures shall be made payable to the bearers thereof, and shall pass by delivery only, and without any assignment or endorsement; and the holder or bearer of every such Debenture for the time being shall have the same rights and remedies in respect of the same as if he were expressly named therein.

10. It shall be lawful for the said Governor to authorize the whole or any portion of the said Debentures to be negotiated, contracted for, or sold by the Treasurer or the Agents General for Crown Colonies, and at such times, in such sums, and in such manner, as the said Governor may direct.

11. All moneys issued under this Act shall be paid in such manner as the said Governor shall prescribe to the Treasurer of Vancouver Island, and shall by him be placed to the credit of an account to be called "The Vancouver Island Road and Harbour Loan Account," to be applied for the purpose of surveying and constructing Roads and other communications within the said Colony, and in or towards the improvement of the Harbour of Victoria, and in or towards the repayment of any sums which may be hereafter borrowed for and expended in such surveying, construction, and improvements, and to no other purposes whatsoever, and the said moneys shall be accounted for in the same manner as if they formed part of the current Revenue of the said Colony.

12. The proportion of the moneys to be devoted to the improvement of the Victoria Harbour shall be as eighteen to twenty-two.

13. The said Governor shall provide for the redemption of the said Debentures by authorizing and directing the Treasurer of the said Colony to appropriate half-yearly in every year out of the General Revenue of the Colony such a sum as shall be equal to

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—

five per cent. on the total of the principal sums for which Debentures shall from time to time have been issued, and be for the time being outstanding; and after having paid the half-year's interest thereupon, shall invest or cause to be invested the residue thereof as a sinking fund for the final extinction of the debt, and shall invest or cause to be invested the dividends, interest, or annual produce arising from such investment, so that the same may accumulate by way of compound interest. All sums paid to the account of the sinking fund, and all interest or dividends arising therefrom, shall be invested in the name of Trustees in the purchase of Imperial or Colonial Government securities; the nature of such securities, and the selection of such Trustees shall be left to Her Majesty's Principal Secretary of State for the Colonies.

14. Provided, nevertheless, that it shall be lawful for the said Governor from time to time to authorize the Agents General for the time being for Crown Colonies, or the Treasurer of the said Colony for the time being, to re-purchase the said Debentures to the amount of such moneys as the said Governor may by any Proclamation hereafter to be issued and passed by him, out of the current Revenue of the Colony appropriate for that purpose, and for the Trustees of the said sinking fund to make use thereof for the purpose of withdrawing Debentures from the market by purchase; and all Debentures so re-purchased shall be forthwith cancelled and destroyed; and no re-issue of Debentures shall be made in consequence of such purchase and destruction.

15. From and after the date of any and every such re-purchase of Debentures as last aforesaid, the amount then payable to the sinking fund shall from time to time be reduced in proportion to the reduced amount of Debentures for the time being remaining unredeemed, and any moneys remaining in the said sinking fund after the loan hereby sanctioned is fully paid and satisfied, shall be forthwith paid over to the Treasurer and accounted for as General Revenue.

16. It shall be lawful for any Trustees, Executors, Administrators, or Guardians, having the disposition of any trust moneys to purchase any such Debentures by and out of any such trust moneys, and every such purchase shall be deemed a due investment of such trust moneys.

17. It shall not be necessary for the said Colonial Treasurer or any other person acting for or on behalf of the Government of the said Colony, to notice or regard or enquire into the trusts to which any such Debentures shall be liable, or the rights or authority of any person being the actual holder or bearer of such Debentures as aforesaid. But payment to the actual holder or bearer thereof or his lawful agent, shall be deemed in all cases due payment, unless otherwise specially agreed in writing by and under the hand

of the Treasurer, Agents General, or other person acting as aforesaid, for the time being entrusted with the sale of such Debentures.

A.D. 1862.

18. Any person who shall forge or alter, or shall offer, utter, or dispose of, knowing the same to be forged or altered, any Debenture purporting to be made out and issued under this Act, shall be guilty of Felony, and being thereof convicted, shall be imprisoned for any period not exceeding three years with or without hard labour, at the discretion of the Judge before whom any such person shall be tried and convicted.

19. This Act may be cited as "The Vancouver Island Road and Harbour Loan Act, 1862." Short Title.

SCHEDULE.

FORM. A.



VANCOUVER ISLAND.

GOVERNMENT DEBENTURE.

"Vancouver Island Road and Harbour Loan Act, 1862."

£40,000.

No. —

£100 0 0

For One Hundred Pounds advanced to the Government of Vancouver Island, the holder of this Debenture is entitled to receive Interest at the rate of Six per centum per annum in half-yearly payments, payable at _____, on the _____ and _____ in each year.

The said sum of One Hundred Pounds Sterling, with the interest thereon, is charged upon and made payable out of the General Revenue of the Colony of Vancouver Island, as a first charge thereon, under the terms of the "Vancouver Island Road and Harbour Loan Act, 1862," and the principal will be repaid _____ at _____, at the expiration of Twenty Years from _____.

Signed on behalf of the Government of Vancouver Island, and in accordance with the provisions of the Act above cited.

} *Agents General for*
} *Crown Colonies.*

Registered, _____

N.B.—The holder or bearer of this Debenture may alter the place of payment of principal and interest to the Treasury in Victoria, or the Offices of the Agents General for Crown Colonies in London, by giving six months' previous notice in writing, terminating on the 1st day of January, or the 1st day of July, at the previous place of payment (the Treasury at Victoria, or the Offices

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—

of the Agents General for Crown Colonies in London, as the case may be) of his wish to make such alteration, and causing the Officer acting as Treasurer in Victoria, Vancouver Island, or the said Agents General for Crown Colonies in London, as the case may be, to endorse on this Debenture a memorandum of such alteration.

FORM B.

VANCOUVER ISLAND.

“ *Vancouver Island Road and Harbour Loan Act, 1862.* ”

No. —

Half-year's interest due day of on Debenture No.
payable at (the office of the Agents General for Crown Colonies, London, or at
the Treasury, Victoria, as the case may be).

£ —

Agents General.

No. 11.

A.D. 1862.
—

An Act to enable the Governor of Vancouver Island to borrow the sum of Fifteen Thousand Pounds upon the security of the General Revenue of the Colony.

[6th September, 1862.]

WHEREAS by the “ *Vancouver Island Road and Harbour Loan Act, 1862,* ” the Governor is authorized to borrow the sum of Forty Thousand Pounds upon the security of the General Revenue of the Colony, and out of the moneys so borrowed to repay any moneys previously borrowed and expended in the construction and surveying of roads and communications within the Colony, and the improvement of the Harbour of Victoria:

And whereas the rate of interest payable in respect of moneys borrowed within this Colony is of a very high character, and it is intended to raise the said sum of Forty Thousand Pounds in England:

And whereas it is expedient to execute certain public works with rapidity:

And whereas it is expedient to borrow such sums as may be required for the purposes aforesaid, not exceeding in the whole the sum of Fifteen Thousand Pounds, to be repaid out of the said sum

of Forty Thousand Pounds, and in the meantime to be secured on the General Revenue of the Colony:

A.D. 1862.
—

Be it therefore enacted by His Excellency the Governor, on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and Assembly, as follows:—

1. It shall and may be lawful for the Governor for the time being of Vancouver Island and its Dependencies, by Warrant under his hand and seal, to authorize the Treasurer for the time being to raise any sum of money, not exceeding in the whole the sum of Fifteen Thousand Pounds (£15,000), upon the security of the General Revenue of the said Colony, by the issuance of Debentures of Twenty Pounds (£20) each, at least, each payable within such space of time as may be determined by the Governor, not exceeding a period of one year from the date of the passage of this Act, and bearing interest after a rate not exceeding fifteen per centum per annum.

2. Such Debentures shall be in Form marked A. in the Schedule hereunto annexed, and shall bear date on the day of the issuing thereof, and shall not be issued at a discount.

3. All Debentures made out and issued under this Act, shall be entered in a Register to be called the "Temporary Debenture Register," and kept by the Auditor of the said Colony; and the principal and interest thereby made payable, shall be deemed a primary charge upon the General Revenue of the said Colony, from whatever source; and all interest thereon, and the principal when due, shall be paid by the Treasurer out of such Revenue, under Warrant to be issued by the said Governor, in priority of all demands thereon, except the charges and expenses of the collection thereof.

4. The said Debentures shall be made payable to the bearers thereof, and shall pass by delivery, and without any assignment or endorsement; and the bearer of every such Debenture shall have the same rights and remedies as if he were expressly named therein.

5. The interest upon the said Debentures shall be payable at the Treasury, Victoria, every three months.

6. The said Debentures shall be redeemable at par, at any time after the publication of thirty days' notice to that effect by the Treasurer, in any of the public papers circulating in the Colony.

7. From and after the expiration of the said thirty days, all Debentures not handed into the Treasury for redemption shall cease to bear interest.

8. The Governor shall provide for the redemption of the said Debentures out of the sum borrowed on the "Vancouver Island Road and Harbour Loan Act, 1862."

9. This Act may be cited as "The Vancouver Island Temporary Debenture Loan Act, 1862." Short Title.

A.D. 1862.

SCHEDULE.

FORM A.

Under authority of the "Vancouver Island Temporary Debenture Loan Act, 1862."

This Debenture entitles the bearer to _____ Pounds Sterling, on the _____ day of _____ 186 , which with interest after the rate of _____ per centum per mensem, is hereby secured on the General Revenue of the Colony of Vancouver Island for the current year.

Dated the _____ day of _____ 186 .

(Signed) _____

Treasurer.

Entered at the Audit Office, in the Temporary Debenture Register.

(Signed) _____

Auditor.

No. 12.

An Act to amend an Act for the preservation of Game.

[5th September, 1862.]

A.D. 1862.

WHEREAS in an Act entitled "An Act for the preservation of Game," passed on the 20th day of April, A.D. 1859, provisions are contained for the preservation of certain Birds and Animals of Game :

And whereas it is expedient to include other Birds in the said provisions, and otherwise to amend the said Act;

And whereas it is expedient to protect smaller Birds which subsist chiefly on insects :

Be it therefore enacted by the Governor, on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and House of Assembly of the Colony of Vancouver Island and its Dependencies, as follows :—

Unlawful to take or destroy small birds subsisting on insects.

1. That from and after the passage of this Act it shall be unlawful for any person to take or destroy in any manner, or buy or sell, or offer, or exhibit for sale, any Thrush, Lark, or Robin, or any Bird known by any of these names, or any Birds which subsist principally on noxious insects; or any egg of either of such Birds, from the 1st day of February to the 1st day of September in any year. And every person so offending shall be liable to a penalty not exceeding ten pounds (£10), to be recovered in a summary manner before any Justice of the Peace.

Penalty.

No nets or other engines of a like character, to be used in the Lakes of Victoria Arm.

2. That from and after the passage of this Act, no person shall use or employ any net, seine, drag net, or other engine of a like description for the purpose of taking or capturing Fish in Victoria

Arm above Point Ellice, or in any Lake, Pond, or standing water in this Colony, under a penalty not exceeding fifty pounds (£50), to be recovered as aforesaid.

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3. Any person who shall take or destroy in any manner, in the Districts of Victoria, Lake, North Saanich, South Saanich, Esquimalt or Metchosin, any of the Birds or animals of Game mentioned in the aforesaid Act, between the periods therein set forth, shall be liable to the same penalties as if he had bought or sold the same contrary to the provisions thereof, and shall be deemed to be guilty of an offence against the said Act, and punished accordingly.

Taking or destroying birds or animals specified, to be liable to same penalties as for buying or selling.

4. The said Act for the preservation of Game and this Act may be quoted as one Act, and entitled for all purposes "The Act for the preservation of Game."

Two Acts to be combined; and Short Title.

No. 13.

An Act for Consolidating in one Act certain provisions usually inserted in Acts authorizing the taking of Lands for undertakings of a Public nature.

A.D. 1863.

[25th February, 1863.]

WHEREAS it is expedient to establish certain conditions and provisions upon and in accordance with which Land required for undertakings or works of a public nature may be acquired, and the manner of obtaining compensation for the same:

And whereas by an Act passed in the Imperial Parliament in the eighth year of the reign of Her present Majesty, and intituled "The Land Clauses Consolidation Act, 1845," the provisions usually introduced into Acts of Parliament relative to the acquisition of lands required for undertakings or works of a public nature were comprised in one general Act; and it was by the said Act enacted that the said "Land Clauses Consolidation Act, 1845," should apply to every undertaking authorized by any Act which should be thereafter passed and which should authorize the purchase or taking of lands for such undertaking, and that the said "Land Clauses Consolidation Act, 1845," should be incorporated with such Act. And it was also enacted that all the clauses and provisions of the said "Land Clauses Consolidation Act, 1845," (save so far as they should be expressly varied or excepted by any such Act) should apply to the undertaking authorized thereby so far as the same should be applicable to such undertaking, and should, as well as the clauses and provisions of every other Act which should be

A.D. 1863.

incorporated with such Act, form part of such Act and be construed together therewith as forming one Act:

And whereas it is expedient that "The Land Clauses Consolidation Act, 1845," should apply to undertakings or works of a public nature in Vancouver Island and its Dependencies, save where such Land Clauses Consolidation Act is inapplicable from the difference of local circumstances:

Be it therefore enacted by His Excellency the Governor, on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and Assembly, as follows:—

Application of Land Clauses Consolidation Act, 1845.

1. That "The Land Clauses Consolidation Act, 1845," as modified by the provisions hereinafter contained, shall apply to any undertaking authorized by any Act which shall be hereafter passed by the Legislature of Vancouver Island and its Dependencies, and which shall authorize the purchase or taking of lands for such undertaking, and this Act shall be incorporated with such Act, and all clauses and provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall, as well as all the clauses and provisions of every other Act which shall be incorporated with such Act, form part of such Act, and be construed together therewith as forming one Act.

Definitions not to apply.

2. The definitions of "Superior Courts," "County," "the Sheriff," "the Clerk of the Peace," "Justices," and the "Bank," given in the Third Section of "The Land Clauses Consolidation Act, 1845," shall not apply.

The eighth clause of the Act not to apply.

3. The Eighth Clause of the Land Clauses Consolidation Act, shall not apply.

Moneys to be deposited in the Treasury, in lieu of the Bank.

4. All moneys directed to be deposited in the Bank by the said Act, shall be deposited in the Treasury, in lieu of being deposited in the Bank specified in the said Act, and the Treasurer shall perform all the duties and functions directed to be performed by the Cashier of the Bank in the said Act.

The Governor to approve, in lieu of the Commissioners of the Treasury.

5. The approbation mentioned in the Fifteenth Clause of "The Land Clauses Consolidation Act, 1845," to be given by the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, shall not be required, but in lieu thereof, the approbation of the Governor for the time being of Vancouver Island and its Dependencies shall be required.

Notices, with whom to be left.

6. The notices mentioned in the Nineteenth Section of "The Land Clauses Consolidation Act, 1845," may be left with the occupier of the lands therein mentioned, in case any of the parties therein referred to shall be absent from the Colony, or cannot be found after diligent enquiry.

7. The power vested by the Twenty-eighth Section of the said Act in the Board of Trade, to nominate an umpire, shall, in any case in which a Railway, or Water Company, or a company for the formation of a Cemetery shall be one party to the arbitration, be vested in the Chief Justice for the time being.

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Chief Justice to
nominate umpire
in lieu of the Board
of Trade.

8. The Thirty-ninth Section of the said Act shall not apply, but in lieu thereof the Section following:

The thirty-ninth
section not to apply.

9. In every case in which any such question of disputed compensation shall be required to be determined by the verdict of a jury, the promoters of the undertaking shall issue their warrant to the Sheriff requiring him to summon a jury for that purpose, and such warrant shall be under the common seal of the promoters of the undertaking if they be a corporation, or if they be not a corporation, under the hands and seals of such promoters, or any two of them; and if such Sheriff be interested in the matter in dispute such application shall be made to some person to be nominated pro hac vice in that behalf by the Chief Justice, who shall not be interested in the matter in dispute, and such person when nominated shall fulfil all the functions delegated to the Sheriff by "The Land Clauses Consolidation Act, 1845."

Juries how to be
summoned in case of
disputed compensa-
tion.

10. The verdict and judgment mentioned in the Fiftieth Section of the said Act to be "kept by the Clerk of the Peace among the records of the General or Quarter Sessions of the County in which the lands or any part thereof shall be situate in respect of which such purchase money, or compensation shall have been awarded," shall be kept by the Registrar of the Supreme Court of Civil Justice, and such verdicts and judgments shall be deemed records.

Verdict and judg-
ment mentioned in
fiftieth section of
the said Act shall
be kept by Regis-
trar of Supreme
Court.

11. The person whose duty it shall be to settle the costs of any inquiry referred to in the Fifty-second Section of the said Act, or to tax any costs directed to be taxed under the Eighty-third Section of this Act shall be the person for the time being acting as Taxing Master in the Supreme Court of Civil Justice, in lieu of "one of the Masters of the Court of Queen's Bench of England or Ireland" mentioned in the said section.

Taxation of Costs.

12. The rate of interest payable under Clause Eighty-five of "The Land Clauses Consolidation Act, 1845," shall be twelve per cent. per annum, instead of five per cent. per annum.

The rate of interest
payable under
clause eighty-five
to be twelve per
cent. per annum in
lieu of five.

13. The power given to two Justices to nominate an able practical Surveyor to determine the value of land and the compensation to be paid for any permanent injury to land of any party who by reason of his absence from the Kingdom is prevented from treating, is hereby extended to the case of any person absent from Vancouver Island and its Dependencies; or the case of any person who cannot, after diligent enquiry, be found; or who shall not appear at the time appointed for the enquiry before the jury, as therein before provided for.

Surveyor to be ap-
pointed to estimate
compensation where
owner is absent.

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Such Surveyor to be appointed on satisfactory proof to two Justices that owner is absent.

Moneys to be paid into the Treasury.

Orders, Powers, &c. to be made by Supreme Court of Civil Justice.

Sections not to apply.

The 133rd clause not to apply.

Deficiency in assessments by reason of lands being taken up to be made good.

Clauses not to apply.

Appeal to be made to the Chief Justice.

Government Reserve Land.

14. The nomination of an able practical Surveyor to be made by two Justices, in the Fifty-ninth Section mentioned, shall be made upon such proof as shall be satisfactory to them, that any such party has failed to appear on such enquiry before a jury as aforesaid, after due notice to him for that purpose.

15. All moneys directed by the said Act to be paid into the Bank to the account of the Accountant General, shall be paid into the Treasury to the account of the Registrar of the Supreme Court to be placed to the account there of the said Registrar ex parte the parties mentioned in the said Act, in lieu of being paid into the Bank to the account of the Accountant General, and shall not be invested until otherwise provided by some Acts which may be passed in the present or any future Session of Parliament.

16. All orders, powers, and discretions of the Court of Chancery in England, the Court of Exchequer in Ireland, mentioned or referred to in the said Act, may be made by the Supreme Court of Civil Justice.

17. The Sections 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, shall not apply.

18. The One Hundred and Thirty-third Clause shall not apply, and in lieu thereof it is enacted:

19. That if the promoters of the undertaking become possessed by virtue of this, or the special Act, or any Act incorporated therewith, of any lands charged with any tax, rate, or assessment whatsoever, they shall from time to time until the works shall be completed and assessed, be liable to make good the deficiency in the several assessments by reason of such lands being taking up or used for the purposes of the works.

20. The One Hundred and Forty-eighth, One Hundred and Fiftieth, and One Hundred and Fifty-second Clauses shall not apply.

21. The power of appeal given by the One Hundred and Forty-sixth Section shall not apply, but any party who shall feel aggrieved, as in the said Section mentioned, may appeal to the Chief Justice at the next Assizes, but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days' notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal should be brought, nor unless the appellant forthwith after such notice enter into recognizances with two sufficient sureties before a Justice, duly to prosecute such appeal and to abide the order of the Court thereon.

22. Where any land reserved for Government or other purposes may be required by the promoters of any undertaking, the same

shall not be taken save with the consent of the Governor for the time being, who is hereby authorized to permit such promoters to acquire such land on such terms as he may think proper, and to execute such instruments under his hand and the seal of the Colony as may be necessary for that purpose.

A.D. 1863.
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23. This Act may be cited as the "Vancouver Island Land Clauses Consolidation Act, 1863." Citation of Act.

No. 14.

An Act for consolidating in one Act certain provisions usually inserted in Acts authorizing the making of Railways.

A.D. 1863.
—

[25th February, 1863.]

WHEREAS it is expedient to comprise in one general Act sundry provisions usually introduced into Acts of Parliament authorizing the construction of Railways, and that as well for the purpose of avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertaking, as for ensuring greater uniformity in the provisions themselves:

And whereas a Bill is now pending [in Parliament, intituled An Act for consolidating in one Act certain provisions usually inserted in Acts authorizing the taking of lands for undertakings of a public nature, and which is intended to be called "The Vancouver Island Land Clauses Consolidation Act, 1863:"]

And whereas by an Act passed in the Imperial Parliament, in the eighth year of Her present Majesty, and intituled "The Railway Clauses Consolidation Act, 1845," the provisions usually introduced into Acts of Parliament authorizing the construction of Railways were comprised in one general Act, and it was by the said Act enacted that the said Act should apply to every Railway which should by any Act which should thereafter be passed be authorized to be constructed, and that the said Act should be incorporated with such Act, and all the clauses and provisions of the said Act, save so far as they should be expressly varied or excepted by any such Act, should apply to the undertaking authorized thereby, so far as the same should be applicable to such undertaking, and should, as well as the clauses and provisions of every other Act which should be incorporated with such Act, form part of such Act, and be construed together therewith, as forming one Act:

And whereas it is expedient that "The Railway Clauses Consolidation Act, 1845," should apply to Railways which by any Act

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which shall hereafter be passed be authorized to be constructed, save where such Act is inapplicable from the difference of local circumstances :

Be it enacted by His Excellency the Governor, on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and Assembly, as follows:—

Application of Railway Clauses Consolidation Act, 1845

1. That "The Railway Clauses Consolidation Act, 1845," as modified by the provisions hereinafter contained, shall apply to every Railway which shall by any Act hereafter passed by the Legislature of Vancouver Island and its Dependencies be authorized to be constructed, and that the said Act so modified shall be incorporated with such Act, and all the clauses and provisions of the said Act so modified, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Railway authorized thereby, so far as the same shall be applicable to such undertaking, and shall, as well as the clauses and provisions of every other Act which shall be incorporated with such Act, form part of such Act, and be construed together therewith as forming one Act.

Moneys to be deposited in Treasury in lieu of the Bank.

2. All moneys directed by the said Act to be paid or deposited in the Bank shall under this Act be paid into the Treasury.

Definition of expressions "Turnpike Road" and "Public Road."

3. Whenever the expression "Turnpike Road" is used in the said Act, the same expression shall be deemed equivalent to the words "Public Road," and the words "Public Road" shall include all roads over which the public have a right of way.

Citation of Act.

4. This Act may be cited for all purposes as "The Vancouver Island Railway Clauses Consolidation Act 1863."

The words "Principal Act" to mean the "Railway Clauses Consolidation Act, 1845."

5. Whenever the words "Principal Act" are used, the same shall be taken to indicate "The Railway Clauses Consolidation Act, 1845."

Certificates and Plans and Sections mentioned in the 7th and 8th Sections of Principal Act with whom to be deposited.

6. The certificate of the two Justices, and the plans and sections mentioned in the 7th and 8th Sections of the principal Act, shall be deposited with the Surveyor General for the time being of Vancouver Island, in lieu of being deposited with the Clerks of the Peace, Clerks of the Parishes, and Postmasters, in the said Section specified; and the duties by the 9th Section of the principal Act, imposed on the said Clerks of the Peace, Clerks of Parishes, and Postmasters, shall be performed by the said Surveyor General, and true copies, certified by the Surveyor General, shall be received in evidence, in manner provided by the 10th Section of the principal Act.

Application to be made to the Board of Trade under 12th Section of Principal Act to be made to the Surveyor General.

7. The application to be made to the Board of Trade, under the 12th Section of the principal Act, shall be made to the Surveyor General; and the powers delegated to the Board of Trade by the said Section, shall be exercisable by the Surveyor General.

8. The certificates mentioned in the 14th Clause of the principal Act, may be given by the Surveyor General.

A.D. 1863.

Certificates.

9. The consent to be given by Her Majesty, Her heirs, and successors, under the 17th Clause of the principal Act, shall be given by the Governor for the time being of Vancouver Island and its Dependencies, to be signified in writing, under the hand of the Colonial Secretary for the time being.

The consent to be given by Her Majesty under the 17th clause of Principal Act may be given by the Governor.

10. The 25th, 26th, 27th, 28th, and 29th Clauses of the said Act shall not apply.

Clauses not to apply.

11. The annual account mentioned in the 107th Section of the principal Act, shall be transmitted as therein mentioned, if so required by the Colonial Secretary.

Annual account.

12. The 161st and 164th Clauses of the principal Act shall not apply.

Clauses not to apply.

13. The Umpire to be appointed under the 129th Section of the principal Act, shall be appointed by the Chief Justice.

Umpire to be appointed by Chief Justice.

No. 15.

An Act to provide for the retirement of David Cameron, Chief Justice of the Colony of Vancouver Island and its Dependencies.

A.D. 1864.

[11th March, 1864.]

WHEREAS it is expedient to make provision for a certain annual sum to be paid, in case of the resignation by David Cameron of the office of Chief Justice of the Colony of Vancouver Island and its Dependencies :

Preamble.

Be it therefore enacted by His Excellency the Governor, by and with the advice and consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies, as follows :—

Enacting clause.

1. Whensoever the said David Cameron shall present in writing, to the Governor for the time being of the said Colony, the resignation of the office of Chief Justice of the said Colony, now held and enjoyed by the said David Cameron, under Letters Patent issued by virtue of a Warrant under the Royal Sign Manual and Signet, and dated at Buckingham Palace the twenty-fifth day of April, one thousand eight hundred and fifty-six, and the resignation of the said office has been duly accepted, and the said office finally vacated by the said David Cameron, there shall be paid to the said David Cameron, in consideration of his past services in the said office, an annual Pension at and after the rate of Five Hundred Pounds

Pension of £500 granted to David Cameron, Esq., from the time he shall cease to receive salary as Chief Justice of Vancouver Island.

A.D. 1864.
—

Proviso.

Pension not to be paid to Chief Justice Cameron until his successor arrives.

Short Title.

Sterling during his life. Such Pension shall be paid out of and charged upon the General Revenue of the said Colony, and shall commence on and from the day when the said David Cameron shall cease to receive salary as Chief Justice as aforesaid. Provided that the Pension as aforesaid shall not be paid to the said David Cameron so long as he shall fill within the said Colony any office the profits or emoluments of which shall equal or exceed the amount of the Pension as aforesaid.

2. Provided, further, that the said Pension shall not be paid to Chief Justice Cameron until his successor shall have arrived from England.

3. This Act may be cited for all purposes as “The Chief Justice’s Pension Act, 1864.”

No. 16.

A.D. 1864.
—

An Act to grant the right to construct a Telegraph Line connecting Victoria with the Telegraph System of the United States, and for other purposes.

[12th March, 1864.]

Preamble.

WHEREAS the California State Telegraph Company—a Company duly incorporated pursuant to the Laws of the State of California, one of the United States of America, and having its principal office in the City of San Francisco—has constructed lines of Telegraph extending through said State and the adjoining States and Territories, and connecting with the Telegraph systems of the Atlantic States and of the British Provinces of North America:

And whereas the President of the said California State Telegraph Company has been authorized by a resolution of the Board of Directors of the said Company to represent the said Company, and to bind the same in all matters and things connected with the extension and construction of its Telegraph lines from California Northward:

And whereas it is expedient to enable the said Company to extend its Telegraph lines to the City of Victoria, with a view of increasing the facilities of the said City for communication with the Pacific and Atlantic States of the United States, and with the British Provinces of North America:

Be it therefore enacted by His Excellency the Governor, on Her Majesty’s behalf, by and with the consent of the Legislative Council and Assembly, as follows:—

1. The privilege is hereby granted to the President of the California State Telegraph Company, and to his successors in office, or assigns, to construct and place a line or lines of Telegraph over any public or tidal land, and along or across any public street or highway (not obstructing such street or highway), and to lay down a Telegraph cable or cables through or across any stream, creek, river, strait, bay, gulf, water, or water-course, within the Colony of Vancouver Island and its Dependencies, and to own, use, enjoy, and employ the same, for the purpose of transmitting telegraphic dispatches, for the period of twenty-five years from the final passage of this Act.

A.D. 1864.

Privilege granted to the President of the California State Telegraph Co. to construct a line of Telegraph over public lands, streets &c., for transmission of messages for 25 years.

2. The President of the California State Telegraph Company, and his successors or assigns, are hereby also authorized to construct and place a line or lines of Telegraph over any private land situate between or adjacent to any public land or highway, over or along which they are by the First Section of this Act authorized to construct such line or lines of Telegraph, and to lay down a Telegraph cable or cables through or across any stream, creek, river, strait, bay, gulf, water, or water-course, and to own, use, enjoy, and employ the same, for the purpose of transmitting telegraphic messages, for such period as they may deem advisable, upon obtaining the consent in writing of the owners of such private land, so as to enable such line of Telegraph to be completed.

Privilege granted to place Telegraph line over private land upon consent of the owner.

3. Notwithstanding any Law or Statute to the contrary, the California State Telegraph Company, or the President thereof for the time being, may purchase or lease the right of way over any private lands, and may purchase or lease any land or property in Vancouver Island, necessary or convenient for the working of the Telegraph lines herein provided for, or for effectually carrying on the business of said Company; and the grants or leases therefor may be made directly to said Company, or to said President and his successors, or assigns, and shall be deemed valid and binding.

The Company may purchase or lease the right of way over any private land.

4. This Act is passed and the rights and privileges herein mentioned are granted upon the express condition, that the said grantee, his successors or assigns shall, within five months from the date of the passage of this Act, commence the work, and within the further period of thirteen months shall cause to be completed and put in operation a line of Telegraph from the City of Victoria in said Colony, so as to connect directly, or indirectly, with the existing Telegraph lines of the California State Telegraph Company, placing the City of Victoria in telegraphic communication with the United States and British Provinces of North America; and on failure to complete said line within the time in this Section specified, the privileges herein granted shall cease and determine, and this Act shall become absolutely void.

Conditions under which the rights are granted in this Act.

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REPEALED No. 21.

Exclusive right
granted of sending
and receiving mess-
ages for a period of 20
years.

Proviso.

Governor may at the
expiration of 12 years
terminate the exclu-
sive privilege upon
giving six months'
notice.

Telegraph line to
run from the City of
Victoria to limits of
the Colony, at some
point between Na-
naimo and mouth
of Sooke Inlet.

Line of Telegraph
to be kept continu-
ously in working
order, upon pain of
forfeiture of exclu-
sive privileges.

Proviso.

Charges for the
transmission of
messages.

[5. Upon the completion of the said line of Telegraph hereinbefore in the last preceding Section particularly mentioned and described, within the time and in the manner therein specified, there is hereby granted to the President of the California State Telegraph Company, and to his successors and assigns, the exclusive right of sending and receiving messages by Telegraph between any place within said Colony, and any other place beyond the limits thereof and within the territory of the United States of America, lying westerly of the Rocky Mountains, for the period of twenty years from and after the completion of the said Telegraph line; but this Act shall not be construed to prevent or in any manner interfere with any line of Telegraph across the continent through British Territory, nor to limit the right of any other person, Corporation, or Company to establish and operate other Telegraph lines any where within said Colony. Provided, however, that other lines shall not be constructed, nor offices established within the limits of the said Colony, so as to do business by telegraph, either directly or indirectly, between or through any place within said Colony and any other place outside thereof, and within that portion of the territory of the United States hereinbefore described, nor so as to impair the rights hereinbefore mentioned.]

6. At the expiration of the period of twelve years from and after the completion of the said Telegraph line, the Governor of the Colony of Vancouver Island, or the person administering the Government of the said Colony for the time being, may, if he deem it expedient, terminate the exclusive privilege in the preceding Section mentioned, upon giving to the owners of the said Telegraph line six months' notice of his intention so to do, and therefrom the said exclusive privilege shall absolutely cease and determine.]

7. The said Telegraph line shall be constructed and run from the City of Victoria to the limits of the Colony of Vancouver Island, at some point between Nanaimo and the mouth of Sooke Inlet, by such route as the said grantee, his successors, or assigns, may find most advantageous and shall select.

8. That after the completion of the said line of Telegraph, the said Company, their successors or assigns, shall continuously keep the same or some other line in its stead in working order between Victoria and the said State of California, and upon failure thereof the exclusive privileges herein granted may be declared forfeited; provided, always, that no such forfeiture shall be incurred owing to the interruption of the communication as aforesaid by unavoidable accident, public war, or other event beyond the control of the said Company; and, provided, that in case of accident, the Company shall have used all due diligence in restoring the communication.

9. The prices charged for the transmission of messages to and from Victoria, over the lines herein provided for, to the first stations in Washington Territory, shall not exceed one dollar for each ten words; and messages to and from this Colony, passing over any lines of the California State Telegraph Company, or lines of their successors or assigns, beyond Vancouver Island, shall not be charged higher rates therefor than the lowest uniform rates of charge on said lines for local business.

10. The rights and privileges herein granted, may be assigned to the said California State Telegraph Company, and said Company may sue and be sued in the Courts of this Colony, in like manner as domestic corporations.

A.D. 1864.

The Company may sue and be sued.

11. If any person shall wilfully or maliciously cut, break, or throw down any telegraph pole, or any tree or other material used in any line of Telegraph herein authorized to be constructed, or shall wilfully or maliciously break, displace, or injure any insulator in use in any such Telegraph line; or shall wilfully or maliciously cut, break, or remove from its insulators any wire used as a Telegraph line; or shall wilfully or maliciously break, molest, or injure any submarine cable used or intended to be used in any such Telegraph line; or shall, by the attachment of a ground wire, or any other contrivance, wilfully destroy the insulation of such Telegraph line, or interrupt the transmission of the electric current through the same; or shall in any other manner wilfully destroy, injure, or molest any property or materials appertaining to any such Telegraph line; or shall wilfully interfere with the use of any such Telegraph line; or obstruct or postpone the transmission of any message over the same; or procure or advise any such injury, interference, or obstruction; the person so offending shall be deemed guilty of a misdemeanor, and be liable to conviction before any Justice or Justices of the Peace, and shall be punished by fine not to exceed five hundred dollars (\$500), or imprisonment not to exceed six months, or by both such fine and imprisonment in the discretion of the said Justice or Justices of the Peace; and shall moreover be liable to the owners of the said Telegraph line for the amount of all loss and damage sustained by reason of such wrongful act.

Penalty not exceeding \$500 on any person injuring or interfering with Telegraph line.

12. That the Treasurer, Collector, or Receiver, and every other Officer of the said Company within the said Colony, entrusted with the collection or custody of tolls and charges under this Act shall enter into a Bond to the Superintendent for the time being of the Company, with two sureties in the sum of five hundred dollars for the faithful execution of his duty.

Officers of Company entrusted with collection of moneys to enter into bond.

13. That full and accurate accounts shall be kept of all moneys received and expended under the provisions of this Act, and such accounts shall be balanced once in each year at the least.

Accurate accounts to be kept and balanced once a year.

14. Such accounts shall be duly audited once in each year at the least, and for such purpose an auditor or auditors shall be appointed by the Colonial Secretary for the time being.

Accounts to be audited.

15. For the purpose of auditing such accounts, the Superintendent for the time being of the said Company shall cause the accounts, together with all the Books and Vouchers pertaining to the Victoria Office of the said Company, to be produced to the auditors.

Books and vouchers to be produced.

A.D. 1864.

Remuneration to Auditor.

Annual account in abstract of receipts and expenditure to be prepared.

Copy to be sent to the Colonial Secretary under penalty.

Penalty under 12th, 13th, and 15th sections to be recovered before Justices of the Peace.

Principal office of company to be at Victoria.
Service of any writ to the officer in charge to be deemed as upon the company.

Precedence to Government despatches.

Proviso.

Short Title.

16. The remuneration of the auditor and his expenses shall be defrayed out of the funds levied under this Bill.

17. An annual account in abstract shall be prepared of the total receipts and expenditure of all funds levied under such Bill for the past year under the several distinct heads of Receipts and Expenditure, with a statement of the balance of the said account duly audited and certified by the said Superintendent, and also by the auditors thereof; and a copy of such annual account shall be transmitted to the Colonial Secretary on or before the 31st day of January in each year, under a penalty of two hundred and fifty dollars for not preparing and sending in the said account, to be levied by summary process, provided that the said account shall be open at all reasonable hours to the inspection of the public, upon payment of a fee of twenty-five cents.

18. The penalty for any breach of requirements of the 12th, 13th, and 15th Sections of this Act shall be recoverable before any Justice of the Peace, and shall not exceed the sum of two hundred and fifty dollars.

19. The principal office of the California State Telegraph Company within the Colony of Vancouver Island shall be situated in the City of Victoria, and the service of any writ or paper upon the person in charge of the said office shall be deemed as sufficient service upon the said Company.

20. Government Despatches over the said lines between any points within the said Colony shall have precedence over all other business; and the California State Telegraph Company shall be subject within the said Colony to the provisions of any general law that may be passed by the Legislature thereof for the regulation of the Telegraph; provided that the rights and privileges hereinbefore granted shall not be limited or impaired thereby.

21. This Act may be cited as "The First Telegraph Act, 1864."

No. 17.

A.D. 1864.

An Act to amend an Act intituled "An Act for the protection of the Wooden Bridges in Vancouver Island and its Dependencies."

[7th July, 1864.]

WHEREAS it is necessary to protect the wooden and other Bridges in Vancouver Island and its Dependencies from Destruction:

Be it enacted by the Governor, on Her Majesty's behalf, by and with the consent of the Legislative Council and Assembly as follows:

A.D. 1864.

1. That any person who shall, after the passage of this Act, moor, make fast, or in any other way attach any raft, vessel, boat, barge, or other floating body to any wooden or other bridge, or to any pier, pile, trestle, or abutment of the same, shall be liable to a fine not exceeding fifty dollars or its equivalent value in sterling coin, or to imprisonment for a term not exceeding fourteen days, which fine may be recovered in a summary manner before any one of Her Majesty's Justices of the Peace.

Penalty for attaching any raft, vessel, boat, &c., to wooden bridges.

2. That this Act and the said Act for the protection of the wooden Bridges in Vancouver Island and its Dependencies, shall be construed as one Act and intituled "The Bridges Protection Act, 1864."

Citation of Act.

No. 18.

An Act to prevent the unauthorized Issue of Bank Notes and Paper Currency.

A.D. 1864.

[7th July, 1864.]

WHEREAS it is expedient to prevent the issuing of Bank Notes within the Colony of Vancouver Island, by any person or association of persons unauthorized by Royal Charter, or by an Act of the Legislature of the said Colony, or by this Act:

Be it therefore enacted by His Excellency the Governor, on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and Assembly, as follows:—

1. That from and after the passing of this Act, no person or Association of persons, Body Corporate or Politic, except Banks incorporated by Royal Charter, or authorized by an Act of the Legislature of Vancouver Island and its Dependencies, or actually issuing on or before the first day of January, One thousand eight hundred and sixty-four, promissory notes payable to bearer on demand, shall make or issue any Bank Note or Bill in the form or nature of a Bank Note payable to bearer on demand, and purport to be intended to pass as money.

What Banks may issue notes.

2. All such Notes as aforesaid, which may be issued by any Bank duly authorized thereto, under the provisions of this Act, shall bear date at the city, town, or place, at and from which the same respectively shall be made and issued; and the same respectively

Where notes are to bear date.

A.D. 1864

shall, in all cases, be payable in specie on demand, at the place of date, and also at the principal office in the Colony of the Bank so issuing such Notes; and the total amount of such Notes in circulation shall not, at any one time, exceed the amount of the paid up capital of the Bank so issuing such Notes; and such Bank shall, at all times, hold within the Colony a reserve in legal tender coin, not less in amount than one-third part of the total amount of Notes so issued as aforesaid.

Inspection of Books
by Colonial Treas-
urer and Colonial
Auditor, or other
authorized persons.

3. That it shall be lawful for the Governor of the said Colony at any time to authorize the Colonial Treasurer and Colonial Auditor, or such other two or more persons as he may think proper, to proceed to any Banking Establishment within the said Colony, issuing Promissory Notes payable to bearer on demand, and to call for and examine the books of such Establishment, necessary to ascertain the total amount of Notes issued and in circulation, and that the reserve so required to be held as aforesaid, is in accordance with this Act; and every Managing Director, Manager, Chief Cashier, or Clerk, as the case may be, of such Banking Establishment, who shall refuse to produce and exhibit such books of such Establishment, or the coin so required to be held in reserve as aforesaid, when required so to do by the officers or persons duly authorized as aforesaid, shall, for every such offence, forfeit to Her Majesty, Her heirs and successors, a penal sum not exceeding five hundred dollars, to be recovered as hereinafter provided.

Registration within
fourteen days after
passing of this Act.

4. That every Managing Director, Manager, Chief Cashier, or Clerk, as the case may be, of any Bank issuing Notes as aforesaid, shall, within fourteen days after the passage of this Act, declare and record in the office of the Registrar of the Supreme Court of Vancouver Island, the amount of the paid up capital of the Bank or Establishment which he may represent, and every Manager, Managing Director, Chief Cashier, or Clerk as aforesaid, neglecting or refusing to make such declaration, shall, for every such offence, forfeit to Her Majesty, Her heirs and successors, a penal sum of five hundred dollars, to be recovered as hereinafter provided.

Unauthorized or ex-
cessive issue of
notes.

5. That any person, or association of persons, not duly authorized under the provisions of this Act, who shall, after the passage of this Act, issue or re-issue any Promissory Note payable to bearer on demand, or any person or association of persons duly authorized to issue such Promissory Notes under the provisions of this Act, who shall exceed the amount of issue of such Notes, to which he or they is or are restricted by this Act, shall, for every such offence, forfeit to Her Majesty, Her heirs and successors, the penal sum of five hundred dollars, to be recovered as hereinafter provided.

Non-chartered Bank
not to issue notes
after 1st March, 1865

6. Provided, nevertheless, that no issue of Bank Notes as aforesaid, by any Bank not having a Royal Charter, or Act of the

Legislature of Vancouver Island, shall continue under the provisions of this Act after the first day of March, 1865. A.D. 1864.

7. That on and after the passage of this Act, Notes of a lower denomination than five dollars, or of a denomination other than a multiple of five dollars, shall not be issued by any Bank authorized to issue Bank Notes under this Act. Denomination of notes.

8. All penalties under this Act shall be recovered in the Supreme Court of Vancouver Island, in the name of the Attorney General, or other Officer duly authorized in that behalf. Penalties how recoverable.

9. This Act may be cited for all purposes as "The Bank Note Act, 1864." Short Title.

No. 19.

An Act to provide for the periodical publication of the Liabilities and Assets of Banks in Vancouver Island and its Dependencies, and for the Registration of the Names of the Proprietors thereof. A.D. 1864.

[7th July, 1864.]

WHEREAS it is expedient that all Banking Companies and Individual Bankers engaged, or hereafter to be engaged, in the Colony of Vancouver Island and its Dependencies, in issuing of Bills and Notes payable to bearer on demand, and intended to pass as money, should, for the information and better security of the public, furnish periodically, in manner hereinafter mentioned, Statements of their Liabilities and Assets within the said Colony, to be published and recorded as hereinafter is described:

Be it therefore enacted by His Excellency the Governor, on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and Assembly, as follows:—

1. That from and after the first day of April, in the year of Our Lord one thousand eight hundred and sixty-four, every Banking Company or Individual Banker engaged, or hereafter to be engaged, in the Colony of Vancouver Island and its Dependencies, in issuing of Bills and Notes payable to bearer on demand, and intended to pass as money, shall every week prepare and make up a full and correct Account and Statement, in writing, exhibiting the assets, property, credits, and securities respectively belonging to every such Banking Company or Individual Banker as aforesaid; and, also, the respective debts, engagements, and liabilities of the same, Weekly Statement of Liabilities and Assets to be kept.

A.D. 1864.

in the manner and form, and under the several heads particularly set forth in the Schedule to this Act annexed, marked A.

Quarterly State-
ments to be publish-
ed.

2. That from such weekly accounts and statement so directed to be made up as aforesaid, there shall be prepared on the last day of each quarter, ending on the 31st day of March, the 30th day of June, the 30th day of September, and the 31st day of December, in every year, by every such Banking Company or Individual Banker as aforesaid, respectively, a general abstract, in writing, of the average amount during such quarter of the respective assets, property, credits, and securities of every such Banking Company or Individual Banker, and of their respective debts, engagements, and liabilities, in the manner and form, and under the several heads or titles specified and set forth in the Schedule to this Act annexed, marked B., to which respective quarterly abstracts shall be subjoined a statement exhibiting the amount of the Capital Stock of every such Banking Company or Individual Banker as aforesaid, paid up at the close of the period to which such abstracts respectively shall be so made up, or as near thereto as may be practicable, the rate and amount of the last dividend that may have been declared to the Shareholders or Proprietors, and the amount of the reserved profit at the time of declaring such Dividend; and such respective quarterly abstracts and statements shall be verified by the declaration of the Managing Director, Manager, Chief Cashier, or Clerk of every such Banking Company or Individual Banker as aforesaid making the same, and shall, within one month after the close of every such quarter, or as soon thereafter as may be practicable, be delivered to the Colonial Secretary of Vancouver Island for the time being, and shall also be published in one or more of the newspapers published within the Colony,

Penalty for neglect-
ing to keep weekly
accounts, &c.

3. That if any such Banking Company or Individual Banker as aforesaid, shall neglect to keep such weekly accounts, or to make out, or to return, or deliver such quarterly abstracts to the Colonial Secretary as aforesaid, or if any Managing Director, Manager, Chief Cashier, or Clerk verifying any such abstract, shall deliver or return to the Colonial Secretary any false account or abstract of such averages, every such Banking Company or Individual Banker as aforesaid so neglecting or making such false account or abstract, shall forfeit for every such offence the sum of two thousand dollars; and the Managing Director, Manager, Chief Clerk, or Cashier so offending shall also forfeit for every such offence the sum of five hundred dollars; such penalties to be recovered respectively by action of debt in the Supreme Court, or any other Court of competent jurisdiction in the said Colony or its Dependencies.

Copy of Charter or
Deed of Settlement
to be recorded in
the Supreme Court.

4. That a copy of the Charter, or of the Deed of Copartnership and Settlement of every such Banking Company as aforesaid, attested by the Managing Director, Manager, Chief Cashier, or

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Clerk for the time being of such Banking Companies respectively, to be a true transcript of the original Charter, or of the Deed of Copartnership and Settlement respectively of such Banking Company, shall be registered in the office of the Registrar of the Supreme Court of the said Colony by the Managing Director, Manager, Chief Cashier, or Clerk of such Banking Companies respectively, within thirty days from and after the day on which this Act shall commence and take effect, or as soon thereafter as may be practicable, and the same shall be open for inspection, at all reasonable times, by any person requiring to inspect the same, on payment of a fee of half a dollar for each such inspection; and if any such Managing Director, Manager, Chief Cashier, or Clerk shall omit or neglect so to register such attested copy of the original Charter or Deed of Copartnership and Settlement of any such Banking Company as aforesaid, within the time hereinbefore directed for registering the same, he shall be subject and liable to a penalty of five hundred dollars, to be recovered by an action of debt in the Supreme Court, or any other Court of competent jurisdiction of the said Colony or its Dependencies, by any person who shall sue for the same. Penalty.

5. That as often as any new Charter or Deed of Copartnership and Settlement of any such Banking Company as aforesaid, may issue or be entered into, or any new Banking Company be established, a copy of the Charter or of the Deed of Copartnership and Settlement, attested as aforesaid, shall in like manner be registered in the Supreme Court of the said Colony, for the purposes and subject to the penalty hereinbefore imposed on the party neglecting or omitting duly to make such Registry as aforesaid. Copy of new Charter or Deed to be in like manner recorded.

6. That the Managing Director, Manager, Chief Cashier, or Clerk of every such Banking Company as aforesaid, shall, within thirty days after the passage of this Act, or as soon thereafter as may be practicable, and also within thirty days after the first day of January in each and every year, or as soon thereafter as may be practicable, cause a true and correct list of the names of all persons who shall be then existing proprietors or members of such companies respectively, with their respective places of abode and descriptions, together with the amount of capital or shares individually held, to be recorded on declaration in the office of the Registrar of the Supreme Court of the said Colony, and the same shall be open for inspection at all reasonable times by any person requiring the same, on payment of a fee of half a dollar for each such inspection; and if any such Managing Director, Manager, Chief Cashier, or Clerk shall omit or neglect to cause such list to be recorded in manner aforesaid, or shall wilfully falsify any such list, he shall be subject and liable to a penalty of five hundred dollars, to be recovered by an action of debt in the Supreme Court, or any other Court of Descriptive lists of Shareholders to be recorded.

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competent jurisdiction of the said Colony or its Dependencies, by any person who shall sue for the same.

Liability of such Proprietors to be sued.

Proviso.

Manner in which declaration may be made.

Penalty for false declaration.

Limitation of action.

Proof of inability to comply with requirements of this Act.

Defining Banks to which Act shall apply.

Short Title.

7. That every person whose name shall be so recorded as aforesaid shall be considered, taken, and held to be a member or proprietor of the Banking Company in which his or her name shall be so recorded as aforesaid, or until he or she shall have given notice in the Government Gazette of the said Colony, or if no such publication exists, then in one or more of the newspapers published within the said Colony, of his or her retirement from such Banking Company. Provided, however, that nothing herein contained shall be deemed or construed to absolve any person from liability on account of any debts incurred by any such Banking Company during the time such person remained a proprietor or member thereof, or to render any individual, proprietor, or member of any Banking Company established by Royal Charter liable for any debts incurred by the same except so far as he or she may be liable under the provisions of such Charter.

8. That every declaration required to be made under the provisions of this Act may be made before any Justice of the Peace, or before the Registrar of the Supreme Court of the said Colony, who are hereby authorized and empowered to receive the same, and any Managing Director, Manager, Chief Cashier, or Clerk who shall make any false declaration as to any matter or thing under the provisions of this Act, shall be subject to such pains and penalties as are by law in force at the time as to persons convicted of wilful and corrupt perjury.

9. That no action shall lie against any person for any offence committed against the provisions of this Act unless the same shall be commenced within one year from the time the offence shall be alleged to have been committed.

10. Provided, always, that if in any case any matter or thing required to be done or performed under the provisions of this Act within any given period shall not have been so done or performed, the proof that it was not practicable to do so shall be on the party required to do or perform the same. Provided, also, that no excuse shall be allowed for any such failure or neglect unless it be clearly shown that the matter or thing required to be done or performed was done or performed as soon as was practicable.

11. That this Act shall apply to every Banking Company or Individual Banker engaged in issuing Bills or Notes payable to the bearer at sight or on demand, and intended to pass as money.

12. That this Act may be cited for all purposes as "The Banking Act, 1864."

SCHEDULE A.

WEEKLY STATEMENT showing the Amount and Nature of the Debts, Engagements, and Liabilities, and of the Assets and Property or Securities, within the Colony of Vancouver Island and its Dependencies, of the Bank of from to 18 .

Liabilities.		Amount.	Total.	Assets.		Amount.	Total.
Notes in Circulation,	Not bearing Interest			[Silver Legal Tender Coin in Gold and Gold and Silver in Bullion.....			
	Bearing Interest.....			Landed Property			
Bills in Circulation,	Not bearing Interest			Notes and Bills of other Banks			
	Bearing Interest.....			Balances due from other Banks			
Balances Due to other Banks...				Amount of all Debts due to the Bank, including Notes, Bills of Exchange, and all Stock and Funded Debts of every description, excepting Notes, Bills, and Balances due to the said Bank from other Banks			
Deposits,	Not bearing Interest						
	Bearing Interest.....						
Total Amount of Liabilities.....				Total Amount of Assets			

We hereby certify the foregoing to be a true and correct Account, to the best of our knowledge and belief.

[Place and date.]

Managing Director, Chief Cashier, or Clerk,
(as the case may be.)

SCHEDULE B.

GENERAL ABSTRACT showing the Average Amount of the Liabilities and Assets, within the Colony of Vancouver Island and its Dependencies, of the Bank of , taken from the usual Weekly Statements, during the Quarter from the to the 18 .

Liabilities.		Amount.	Total.	Assets.		Amount.	Total.
Notes in Circulation,	Not bearing Interest			[Silver Legal Tender Coin in Gold and Gold and Silver in Bullion.....			
	Bearing Interest.....			Landed Property			
Bills in Circulation,	Not bearing Interest			Notes and Bills of other Banks			
	Bearing Interest.....			Balances due from other Banks			
Balances due to other Banks...				Amount of all Debts due to the Bank, including Notes, Bills of Exchange, and all Stock and Funded Debts of every description, excepting Notes, Bills, and Balances due to the said Bank from other Banks			
Deposits,	Not bearing Interest						
	Bearing Interest.....						
Total Amount of Liabilities.....				Total Amount of Assets			

Amount of Capital Stock paid up at the close of the Quarter ended
 Rate of last Dividend declared to the Shareholders.....
 Amount of the last Dividend declared.....
 Amount of the Reserved Profits at the time of declaring such Dividend

[Place and date.]

Managing Director or Manager, Chief Cashier, Accountant Clerk,
(as the case may be.)

I, _____, do hereby declare that to the best of my knowledge and belief, the foregoing Abstract is a true and faithful Account of the Average Amount of the Assets and Liabilities, within this Colony, of the above Bank, during the period specified, and that the same was made up from the Weekly Statements thereof kept in pursuance of the provisions of "The Banking Act, 1864."

Declared before me at _____ this _____ day of _____ A. D., 18 ____
(Signature of the Justice of the Peace.) *(Signature of Managing Director or Manager.)*

No. 20.

A.D. 1864. An Act to provide for the Closing of Wells upon Unenclosed Lands in Vancouver Island and its Dependencies.

[7th July, 1864.]

WHEREAS it is expedient to provide means whereby the Wells upon unenclosed Property may be prevented from imperilling the lives and property of Her Majesty's Subjects:

Be it therefore enacted by the Governor, on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and of Assembly of the Colony of Vancouver Island and its Dependencies, as follows:—

Open Wells shall be covered in.

1. That within thirty days after the passage of this Act, all persons being owners or lessees of unenclosed property in the Colony of Vancouver Island upon which any open well is situate, shall either enclose the same property with a durable fence, or cover in such open well in a thoroughly safe and permanent manner, and so that the same shall no longer continue dangerous to life and limb.

Definition of term "open Well."

2. An open well shall, for the purposes of this Act, be deemed to be an artificial sinking into the ground not being a ditch, or drain, or pond, of a depth of more than three feet and not protected by a safe and substantial fence.

Penalty for non-compliance with Act.

3. That any person omitting to enclose such property or to cover in such well in such manner as aforesaid, shall be liable to a penalty not exceeding twenty dollars, to be recovered before any

Justice of the Peace in a summary manner; and that the said penalty may be recovered by distress, and in default of a sufficient distress, by imprisonment for a period of not more than one week.

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4. That the Mayor and Council may employ such person as they may select to cover in any unclosed wells situated within the Municipal limits of the City of Victoria, and on the property of any person absent from the Colony or neglecting to enclose such property or close in such open well, and may recover the reasonable amount of the expenses in that behalf, from the person on whose property the same is situated, by an order of a Justice of the Peace.

In cases of default, Mayor and Council may in the City of Victoria cover in Wells, and recover costs thereof.

5. That the Surveyor General of Vancouver Island and its Dependencies, may employ such person as he may select to cover in any unclosed well situate beyond the Municipal limits of the City of Victoria, and on the property of any person absent from the Colony or neglecting to enclose such property, or close in such open well, and may recover the reasonable amount of the expenditure in that behalf, from the person on whose property the same is situate, on a like order.

Surveyor General may cause the work to be performed in certain cases, and recover costs thereof.

6. That in the event of the said penalty remaining unrecovered for the space of twenty-four hours after the order of the Justice, the amount of the penalty shall be deemed to be a charge within the meaning of the Act intituled "The Land Registry Act, 1860," upon the Real Estate on which such wells is situate; and the Surveyor General is hereby authorized and required to Register the order in that behalf, as a charge against such Real Estate, on the books of the Registrar General of Titles of Real Estate in Vancouver Island and its Dependencies.

Penalty how recoverable.

7. Every Justice of the Peace shall, within twelve hours from the time in which such order is made, transmit the same order to the Surveyor General or Mayor and Council as the case may require; and the said Surveyor General and Mayor and Council are hereby required to Register the same within the space of twelve hours from the receipt of the same.

Order for penalty to be registered.

8. No fees shall be taken by the Registrar General on the Registration of an order on behalf of the said Mayor and Council, but the same shall be added to the amount of the charge so Registered, in addition to the amount mentioned in the order.

Fees for registering order to be added to penalty.

9. The Registrar is hereby authorized to cancel any such Registered charge upon satisfactory evidence that the same has been satisfied, duly verified by a Justice of the Peace for the particular district, in manner directed by the Fortieth Section of "The Land Registry Act, 1860." The amount so paid in satisfaction of such Registered charges shall be paid over by the Justice of the Peace so recovering the same, to the Treasurer of Vancouver Island and its Dependencies; if the same has been paid in respect of an open

Cancellation of registered charge.

Disposition of penalty when recovered

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—

well in the rural districts of Vancouver Island for the use of Her Majesty, Her heirs and successors, and in the event of the same being paid in, in respect of an open well within the Municipal limits, the same amount shall be paid over to the Mayor and Council.

No. 21.

A.D. 1864.
—

An Act for the Regulation of Electric Telegraphs within the Colony of Vancouver Island, and to secure Secrecy and Fidelity in the Transmission of Telegraphic Messages.

[7th July, 1864.]

WHEREAS Telegraph Lines are about to be constructed, and Telegraph Offices established, within the Colony of Vancouver Island:

And whereas it is expedient that the business of sending despatches by Telegraph should be regulated by Law:

Be it therefore enacted by His Excellency the Governor, by and with the advice and consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies, as follows:—

Employes not to
divulge contents of
messages.

May not alter mean-
ing of same.

Penalty.

1. If any Officer, Agent, Operator, Clerk, or Employe of any Telegraph Company, or any other person, shall wilfully divulge to any other person than the party from whom the same was received, or to whom the same is addressed, or his Agent or Attorney, any message received, or sent, or intended to be sent over any Telegraph line; or the contents, substance, purport, effect, or meaning of any such message, or any part thereof; or shall wilfully alter any such message, by adding thereto or omitting therefrom any word or words, figure or figures, so as to materially change the sense, purport, or meaning of such message, to the injury of the person sending or desiring to send the same, or to whom the same was directed, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine not to exceed one thousand dollars, or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the Court or Magistrate having jurisdiction in the matter; provided, that when numerals or words of numbers occur in any message, the Operator or Clerk sending or receiving may express the same in words or figures, or in both words and figures, and such fact shall not be deemed an alteration of the message, nor in any manner affect its genuineness, force, or validity.

2. If any Agent, Operator, or Employe in any Telegraph Office, or any other person, shall knowingly and wilfully send by Telegraph, to any person or persons, any false or forged message, purporting to be from such Telegraph Office, or from any other person; or shall wilfully deliver or cause to be delivered to any person any such message, falsely purporting to have been received by Telegraph; or if any person or persons shall furnish or conspire to furnish, or cause to be furnished, to any such Agent, Operator, or Employe, to be sent by Telegraph, or to be delivered, any such message, knowing the same to be false or forged, with the intent to deceive, injure, or defraud any individual, partnership, or corporation, or the public, the person or persons so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine not to exceed one thousand dollars, or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the Court or Magistrate having jurisdiction in the case. A.D. 1864.
May not send forged messages.
Penalty.

3. If any Agent, Operator, or Employe in any Telegraph Office, shall in any way use or appropriate any information derived by him from any private message or messages passing through his hands, and addressed to any other person or persons, or in any other manner acquired by him by reason of his trust as such Agent, Operator, or Employe; or shall trade or speculate upon any such information so obtained, or in any manner turn or attempt to turn the same to his own account, profit, or advantage, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine not to exceed one thousand dollars, or by imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the Court or Magistrate having jurisdiction in the case, and shall also be liable in treble damages, to the party aggrieved, for all loss or injury sustained by reason of such wrongful act. May not appropriate information.
Penalty.

4. If any Agent, Operator, or Employe in any Telegraph Office, shall unreasonably and wilfully refuse or neglect to send any message received at such office for transmission, or shall unreasonably and wilfully postpone the same out of its order, or shall unreasonably and wilfully refuse or neglect to deliver any message received by Telegraph, the person so offending shall be deemed guilty of a misdemeanor, and may be punished by fine not to exceed five hundred dollars, or imprisonment not to exceed six months, or by both such fine and imprisonment, in the discretion of the Court or Magistrate having jurisdiction. May not neglect to send messages.
Penalty. Provided, that nothing herein contained shall be construed to require any message to be received, transmitted, or delivered, unless the charges thereon shall have been paid or tendered, nor to require the sending, receiving, or delivery of any message counselling, aiding, abetting, or encouraging treason against the Government, or other resistance to lawful authority; or any message calculated to instigate or further any fraudulent plan or purpose, or to instigate or encourage Proviso.

A.D. 1864.

the perpetration of any unlawful act, or to facilitate the escape of any criminal or person accused of crime.

Unauthorized persons may not violate sealed messages.

5. If any person not connected with any Telegraph Office shall, without the authority or consent of the person or persons to whom the same may be directed, wilfully and unlawfully open any sealed envelope, enclosing a telegraphic message, and addressed to any other person or persons, with the purpose of learning the contents of such message, or shall fraudulently represent any other person or persons, and thereby procure to be delivered to himself any telegraphic message addressed to such other person or persons, with the intent to use, destroy, or detain the same from the person or persons entitled to receive such message, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine not to exceed one thousand dollars, or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the Court or Magistrate having jurisdiction.

Penalty.

Persons not employed may not fraudulently obtain telegraphic information.

6. If any person not connected with any Telegraph Company shall, by means of any machine, instrument, or contrivance, or in any other manner, wilfully and fraudulently read or attempt to read any message, or to learn the contents thereof, whilst the same is being sent over any Telegraph line, or shall wilfully and fraudulently, or clandestinely learn, or attempt to learn, the contents or meaning of any message while the same is in any Telegraph Office, or is being received thereat, or sent therefrom, or shall use or attempt to use, or communicate to others, any information so obtained by any person, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine not exceeding one thousand dollars, or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the Court or Magistrate having jurisdiction.

Penalty.

May not attempt to procure information by bribery.

7. If any person shall, by the payment or promise of any bribe, inducement, or reward, procure or attempt to procure any Telegraph Agent, Operator, or Employe to disclose any private message, or the contents, purport, substance, or meaning thereof, or shall offer to any such Agent, Operator, or Employe, any bribe, compensation, or reward for the disclosure of any private information received by him by reason of his trust as such Agent, Operator, or Employe, or shall use or attempt to use any such information so obtained, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine not to exceed one thousand dollars, or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the Court or Magistrate having jurisdiction.

Penalty.

May not obstruct or injure Telegraph lines.

8. If any person shall wilfully or maliciously cut, break, or throw down any telegraph pole, or any tree or other material used in any Telegraph line, or shall wilfully or maliciously

break, displace, or injure any insulator in use in any Telegraph line; or shall wilfully or maliciously cut, break, or remove from its insulators any wire used as a Telegraph line; or shall wilfully or maliciously break, molest, or injure any submarine cable used or intended to be used in any Telegraph line; or shall, by the attachment of a ground wire, or by any other contrivance, wilfully destroy the insulation of such Telegraph line, or interrupt the transmission of the electric current through the same; or shall in any other manner wilfully destroy, injure, or molest any property or materials appertaining to any Telegraph line; or shall wilfully interfere with the use of any Telegraph line; or obstruct or postpone the transmission of any message over the same; or procure or advise any such injury, interference, or obstruction; the person so offending shall be deemed guilty of a misdemeanor, and be liable to conviction before any Justice or Justices of the Peace, and shall be punished by fine not to exceed five hundred dollars (\$500), or imprisonment not to exceed six months, or by both such fine and imprisonment in the discretion of the said Justice or Justices; and shall moreover be liable to the Telegraphic Company whose property is injured in the amount of all loss and damage sustained by reason of such wrongful act.

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Penalty.

9. Any person offending against the provisions of Sections 1, 2, 4, 6, or 7, of this Act shall, in addition to the penalties therein prescribed, be liable in a civil action to the party injured for all damage occasioned thereby.

Civil action for damages provided for.

10. All Operators of any Telegraph Company, whilst employed in the offices of the said Company or along the route of its Telegraph lines, shall be exempt from militia duty and from serving on juries, and from any fine or penalty for the neglect thereof.

Employes exempt from military service or jury duty.

11. Contracts made by Telegraph shall be deemed to be contracts in writing, and all communications sent by Telegraph and signed by the person or persons sending the same, or by his or their authority, shall be held and deemed to be communications in writing.

Contracts by Telegraph deemed contracts in writing.

12. Whenever any notice, information, or intelligence, written or otherwise, is required to be given, the same may be given by Telegraph, provided that the despatch containing the same be delivered to the person entitled thereto, or to his Agent or Attorney, such notice by Telegraph shall be deemed actual notice.

Notice by Telegraph actual notice.

13. It shall be the duty of any Telegraph Company doing business in this Colony to transmit all despatches in the order in which they are received, under a penalty of five hundred dollars, to be recovered with costs of suit by the person or persons whose despatch is postponed out of its order; provided, that communications to and from public offices, on official business, shall have precedence

Telegraphic messages shall be sent in order as received.

Proviso.

A.D. 1864.

over all other communications; and, provided also, that intelligence of general and public interest may be transmitted for publication out of its order.

Jurisdiction conferred upon Justices of the Peace or Stipendiary Magistrate.

14. Any act declared to be a misdemeanor under the provisions of this Act, may be tried before two or more Justices of the Peace, or a Stipendiary Magistrate in said Colony, and said Justices or Stipendiary Magistrates are hereby authorized to deal with each case summarily, or to commit the offender for trial.

Short Title.

15. This Act may be cited as "The Telegraph Regulation Act, 1864."

No. 22.

A.D. 1864.

An Act to alter and amend "The Fireman's Protection Act, 1861."

[7th July, 1864.]

WHEREAS it is expedient to alter and amend "The Fireman's Protection Act, 1861:"

Be it therefore enacted by the Governor, on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and House of Assembly of Vancouver Island and its Dependencies, as follows:—

After passing of this Act, whole of the apparatus, &c., to belong to Fire Department, subject to order and control of Mayor and Corporation.

1. That from and after the passing of this Act, the whole of the apparatus, whether engine, hose, hooks, ladders, or other articles used with, or belonging to, or in any way appertaining to the Fire Department of the City of Victoria, organized under and by virtue of an Act of the Legislature of the Colony of Vancouver Island, shall be deemed for the purposes of this Act to be the property of the Victoria Fire Department, subject to the order and control of the Mayor and Corporation of the City of Victoria.

Active Members of Fire Companies to be exempt from duties as Jurymen, other than those of Coroner's Inquests.

2. That from and after the passing of this Act, the active members of any Fire Company regularly attached to the Fire Department of the City of Victoria, as hereinafter defined, shall be exempt from all Jury duty other than that of Coroner's Inquests; provided, however, that nothing contained in this Section shall be taken or deemed to apply to other Fire Companies than those now existing and commonly known as "The Union Hook and Ladder Company No. 1," "The Deluge Engine Company No. 1." and "The Tiger Engine Company No. 2;" and such exemptions from Jury duty shall not extend to more than sixty-five active members in each Company as aforesaid.

Proviso.

3. That it shall be the duty of each person claiming exemption from Jury duty under this Act, to produce to the Sheriff or Officer serving a Jury Summons a Certificate of his active membership in the Fire Department and Company to which he is attached, signed by the Chief Engineer and the Secretary of the Fire Department.

A.D. 1864.

Persons claiming exemption under this Act, to produce a certificate of active membership to proper officer.

4. That it shall be the duty of the Foreman of every Company, on the third Monday of January, April, July, and October, in each and every year, to deliver a written list to the Sheriff or person discharging the duties of Sheriff for the time being, of all active members entitled to the benefit of this Act, and in default thereof he shall be liable to a fine not exceeding one hundred dollars, to be recovered in a summary manner before any Magistrate or Justice of the Peace in and for the City of Victoria.

Foreman of every Company to deliver written list to Sheriff or other Officer of all active members entitled to benefit of Act.

5. Any person giving or using a false certificate, or certificate which has expired, or making a fraudulent return under this Act, shall upon conviction thereof before any Justice of the Peace, be liable to a fine not exceeding one hundred dollars, to be recovered in a summary way before any Magistrate or Justice of the Peace in and for the City of Victoria, or in default be imprisoned, with or without hard labour, for a period not exceeding one month.

Persons giving or using false certificate, &c., on conviction, liable to fine; in default liable to imprisonment, with or without hard labour.

6. Provided, always, that no person liable by Law to serve as a Juror shall be excluded from serving as such Juror by reason of being a Fireman entitled to exemption under this Act.

Firemen not to be excluded from Juries.

7. This Act may be cited for all purposes as "The Fireman's Act, 1864."

Short Title.

No. 23.

An Act to Incorporate the Israelite Congregation named "The Emanuel of Victoria, Vancouver Island."

A.D. 1864.

[7th July, 1864.]

WHEREAS a Congregation of Israelites of the City of Victoria being desirous of fulfilling the Ordinances of their Religion, have formed themselves into a Congregation under the style of "The Emanuel of Victoria, Vancouver Island," and have established certain Rules and Articles embodied in Articles of Constitution for their Government:

Be it therefore enacted by the Governor, on Her Majesty's behalf, by and with the consent and advice of the Legislative Council and Assembly of Vancouver Island and its Dependencies, as follows :—

A.D. 1864.

Incorporation of the
Congregation Emanuel.

1. That the existing Members of the said Congregation, and all such Persons as from time to time hereafter may become the Members of the same according to the Articles of Constitution aforesaid, or any Articles of Constitution for the time being in force under the said Constitution, shall be a body politic and corporate in Deed and in Law, by the name of "The Emanuel of Victoria, Vancouver Island," for carrying into effect the fulfilment of the Ordinances of the Israelitish persuasion according to the orthodox order, and shall for all legal purposes be known by such appellation, and shall have a Corporate Seal, with the name of the said Corporation imprinted thereon, in the words following: "The Emanuel of Victoria, Vancouver Island," and shall be governed by such Articles of Constitution as may be for the time subsisting by virtue of the said Constitution.

Articles of Consti-
tution, &c., to be
deposited.

2. That a copy of the Articles of Constitution aforesaid, shall be deposited with the Colonial Secretary, verified by the President and Secretary of the said Congregation, within fourteen days from the passage of this Act, and that a copy of any resolution in anywise altering or repealing any of the provisions of the said Constitution, and verified in manner aforesaid, shall be likewise deposited with said Colonial Secretary, within the time aforesaid.

Powers of the Cor-
poration.

3. That the said body corporate shall have and enjoy all such rights, powers, and privileges, as by Common or Statute Law, or in Equity, appertain and relate to a Corporation aggregate.

Right of holding and
recovering securi-
ties in the corporate
name.

4. "The Emanuel of Victoria, Vancouver Island," from and after the passage of this Act, shall be capable of holding, taking, and receiving, in its Corporate name, all moneys, bonds, notes, mortgages, and other securities in which any portion of the funds of the Congregation may be from time to time invested, and shall sue and be sued in its Corporate name.

Contracts of the
Corporation.

5. The contracts or deeds of the Corporation may be made as follows: Any contract, agreement, or deed, which, if made between private persons, would be by Law required to be in writing, and if made according to English Law, to be under seal, may be made on behalf of the Corporation in writing, under the Corporate seal of the Congregation, and such contract may be in the same manner varied and discharged: Any contract, which if made by private persons, would be by Law required to be in writing, and signed by the parties to be charged therewith, may be made on behalf of the said Corporation in writing, signed by the President, and countersigned by the Secretary, and such contract may in such manner be varied or discharged: Any contract, which if made between private parties, would by Law be valid, and although by parol only and not reduced into writing, may be made on parol on behalf of the said Corporation, by any person acting under the expressed or implied authority of the said Congregation, and such contract may be in the same way varied or discharged.

Contracts under
Seal.Contracts required
by Law to be in
writing.

Parol Contracts.

6. The seal of the said Corporation shall be attached to all Instruments requiring the attachment of the said seal, by the Secretary of the said Corporation, upon the production of a resolution of the Board of Officers directing the same.

A.D. 1864

Seal to be used on
passage of a resolu-
tion of the Board of
Officers.

7. The Board of Officers of the said Corporation shall give full and effectual receipts and discharges on behalf of the said Corporation, and shall sign all contracts required to be in writing as aforesaid, upon the passage of a resolution of the said Board approving the same. Any person may be authorized by a resolution of the said Board of Officers to enter into, and accept by parol, any contract which by Law would be valid without writing, upon the passage of a resolution of the said Board of Officers in that behalf.

Receipts of the
Board of Officers.

8. That it shall be lawful for the said Body Corporate, in its Corporate name, at all times hereafter, notwithstanding the Statutes of Mortmain, or any other Statutes or Laws to the contrary, to purchase, acquire, have, take, hold, receive, and enjoy, to them and their successors in perpetuity, or for any lives or terms of years, or other estate, any messuages, buildings, lands, tenements, privileges, easements, and other hereditaments, of whatever nature or kind soever, which may be necessary and proper for carrying out the objects and purposes of the said Body Corporate, or which may be granted to the said Corporation in manner by Law prescribed.

Power to hold Real
Estate.

9. That the said "Emanuel of Victoria, Vancouver Island," may, in its corporate capacity, sell, mortgage, lease, or otherwise dispose of the Synagogue used for their religious purposes, and the site thereof, and any other land or hereditaments which they may hereafter acquire in the corporate name, and under the Corporate Seal may raise such sum or sums of money as may be found necessary and convenient for discharging the liabilities of the said Corporation, or for the improvement of the property of the said Corporation, or for any other purpose which may be approved by a general meeting, provided for by the said Articles of Constitution.

Power to raise mo-
ney on mortgage, or
otherwise.

10. That this Act may be cited as "The Congregation of Emanuel of Victoria Incorporation Act, 1864."

Short Title.

No. 24.

An Act to enable the Governor of Vancouver Island to borrow the sum of Ninety Thousand Dollars, upon the security of the General Revenue of the Colony.

A.D. 1866.

[12th July, 1866.]

WHEREAS it is expedient to borrow certain sums of money, not exceeding in the whole the sum of Ninety Thousand Dollars :

A.D. 1866.

Be it therefore enacted by the Governor of the Colony of Vancouver Island and its Dependencies, by and with the advice and consent of the Legislative Council and Assembly thereof, as follows :—

Governor to issue
Debentures.

1. It shall be lawful for the Governor of the said Colony to cause to be made out and issued, Debentures secured upon the General Revenue of the said Colony, for a sum or sums of money not exceeding in the whole Ninety Thousand Dollars.

Rate of interest and
time of redemption
of Debentures.

2. All Debentures made out and issued under this Act shall bear interest at the rate of twelve dollars per centum per annum, payable half-yearly, and shall be redeemable and redeemed at the expiration of the following periods, that is to say, as to an amount equal to Twenty Thousand Dollars on the thirty-first day of December, anno domini one thousand eight hundred and sixty-six; as to a further amount equal to Thirty Thousand Dollars, on the thirty-first day of December, anno domini one thousand eight hundred and sixty-seven; and as to the remainder, on the thirty-first day of December, one thousand eight hundred and sixty-eight.

For what amount.

3. Every Debenture shall be for any sum not less than One Hundred Dollars, which the said Governor shall determine, and shall be payable, together with interest thereon, at the Treasury of the said Colony.

Form of Debentures,
and upon what fund
chargeable, with
what exception.

4. All Debentures made out and issued under this Act shall be according to the form set forth in the Schedule to this Act annexed, and shall bear date on the day of the issuing thereof, and shall be numbered in regular arithmetical progression, commencing with the number one, and all such Debentures so issued shall be entered by the Auditor of the Colony, in a register to be called the "Debenture Register, 1866," and such Debentures shall be deemed a charge upon the General Revenue of the Colony, subject always to the "Vancouver Island Road and Harbour Loan Act, 1862," and to such other existing charges as are now by Law imposed.

Governor to autho-
rize Treasurer to
pay Debentures out
of General Revenue

5. It is further enacted that the Governor shall authorize the Treasurer to pay the said Debentures, and the interest thereon, out of the General Revenue of the Colony, when such Debentures and interest shall have fallen due, subject, always, to the charges on the General Revenue hereinbefore enumerated in the last preceding Section.

Transfer of Deben-
tures.

6. The Debentures as aforesaid, and the interest which may have accrued thereon, shall be payable to the holder or bearer of such Debentures, and such Debentures may pass by delivery only, and without any assignment or endorsement; and the holder of every such Debenture for the time being shall have the same rights and remedies as if he were expressly named thereon.

7. Any person who shall forge or alter, or who shall offer, utter, or dispose of, or put off, knowing the same to be forged or altered, any Debenture purporting to be made out and issued under this Act, shall be guilty of felony, and being thereof convicted shall be imprisoned for any period not exceeding three years, with or without hard labour, at the discretion of the Judge before whom any such person shall be tried and convicted. A.D. 1866.
Offences.

8. It shall be lawful for the said Governor at any time to authorize the Treasurer to re-purchase any Debenture made out and issued under this Act, and all Debentures so re-purchased shall be forthwith cancelled and destroyed, and no re-issue of Debentures shall be made in consequence of such purchase and destruction. Governor may authorize re-purchase of Debentures.

9. The proceeds of the sale of the said Debentures shall be paid into the General Revenue, for the use of Her Majesty, Her heirs and successors. Application of proceeds of the sale of Debentures.

10. This Act may be cited for all purposes as "The Temporary Short Title. Loan Act, 1866."

SCHEDULE.

FORM OF DEBENTURE.

GOVERNMENT OF VANCOUVER ISLAND.

Under the authority of "The Temporary Loan Act, 1866."

This Debenture entitles the bearer to Dollars on the 31st
day of December, A. D. 18 , which sum, together with the interest thereon,
at and after the rate of twelve per cent. per annum, is secured on the General
Revenue of the Colony of Vancouver Island.

Dated the day of A.D. 18 .

Treasurer.

Countersigned, _____

Colonial Secretary.

Entered in Debenture Register, _____

Auditor.

No. 25.

A.D. 1866. An Act to amend the Law of Arrest and Imprisonment for Debt.

[21st August, 1866.]

WHEREAS it is expedient to amend the Law of Arrest and Imprisonment for Debt:

Be it therefore enacted by the Governor of the Colony of Vancouver Island and its Dependencies, by and with the advice and consent of the Legislative Council and Assembly thereof, as follows:—

On granting of writs of ca. sa. or ne exeat, Court may require security from damages consequent on arrest.

1. From and after the passing of this Act, on the granting of any Writ of Capias ad respondendum, or ne exeat regno, it shall be lawful for the Judge ordering the issue of such Writ, at his discretion, to require security to be given by the Plaintiff to the satisfaction of such Judge, to pay to the Defendant the costs and damages consequent on arrest under such order, should the Plaintiff have obtained such order without reasonable and probable cause.

No ca. sa. or process against the person to issue, unless Judgment Debtor is about to leave the Colony.

2. No Writ of Capias ad satisfaciendum, or Process against the person at Law or in Equity, for the payment of any sum of money or costs shall issue except on proof to the satisfaction of the Judge ordering the issue of the same, that the Judgment Debtor is about to leave the said Colony.

Person arrested on process against the person may be from time to time discharged, on security being given for the debt, and from time to time re-arrested if security fail.

3. Any person arrested by virtue of any Writ of Capias ad satisfaciendum, or Process against the person, at Law or in Equity, for the payment of any sum of money or costs, shall be from time to time discharged, on good security being given, to the satisfaction of the Court, that the Judgment Debtor will not leave the said Colony before the Judgment Debt and costs duly incurred shall be paid, or until such Debtor shall be otherwise discharged from the payment thereof in due form of Law; and such Judgment Debtor shall be from time to time liable to be re-arrested on proof to a Judge, having authority to grant such Writs of Capias ad satisfaciendum, or Process as aforesaid, that the security given by such Judgment Debtor has ceased to be a continuing, sufficient, and available security.

Judgment Creditor may sue out Judgment Debtor Summons.

4. And whereas by Section 40, and subsequent Sections of "The Bankruptcy Act, 1862," it is enacted that every Judgment Creditor who is or shall be entitled to sue out against his Debtor a Writ of Capias ad satisfaciendum, or to charge his Debtor in Execution, shall be entitled to sue out a Judgment Debtor Summons in manner therein mentioned. And whereas it is expedient to extend the remedies given in favour of Judgment Creditors: Be it enacted,

that any person having obtained a Judgment Order or Decree for the payment of money or costs against any person, shall be entitled to sue out a Judgment Debtor Summons, in manner and form as the same is now directed to be sued out by the said last mentioned Act; and such Creditor shall be entitled to sue out such Judgment Debtor Summons independently of, and in addition to, any Writ of Execution against the goods and lands of any Debtor.

A.D. 1866.
—

5. This Act may be cited for all purposes as the "Debtors' Short Title. Relief Act, 1866."

No. 26.

An Act to regulate the Number of Persons required to form a Coroner's Jury in Vancouver Island and its Dependencies.

A.D. 1866.
—

[21st August, 1866.]

WHEREAS it is expedient to regulate the number of persons required to form a Coroner's Jury in the Colony of Vancouver Island and its Dependencies:

Be it therefore enacted by the Governor of the said Colony, by and with the advice and consent of the Legislative Council and Assembly thereof, as follows:—

1. Whenever it shall be necessary for any Coroner to hold an Inquisition, such Coroner shall empanel a Jury of not less than six for the purposes of such Inquisition; and such Jury shall have the same powers and perform the same duties as a Coroner's Jury of twelve, or more; and the verdict of any such Jury of not less than six, shall be to all intents and purposes as effectual as if found by a Jury consisting of twelve, or more.

Verdict of Jury of six, as effectual as if found by twelve.

2. This Act may be cited as "The Coroner's Jury Act, 1866."

Short Title.



L A W S
OF THE
FORMERLY SEPARATE COLONY
OF
BRITISH COLUMBIA.

No. 27.

COURT OF BRITISH COLUMBIA.

A.D. 1858.

ORDER OF COURT.

WHEREAS, by a Proclamation under the Public Seal of the said Colony, issued at Victoria, V. I., the 24th day of December, 1857, as altered and modified by the General Rule or Order of the 26th of April, 1858, shall be observed in Civil Proceedings in the Court of British Columbia, so far as the same are from local and other circumstances applicable, and so far as the same are not discharged, modified, or altered by this or some future Order or Rule of Court.

Vide Nos. 47 & 81.

[1. *It is Ordered, That all the Rules and Orders of Court of the Supreme Court of Civil Justice of Vancouver Island, of the 12th day of February, 1857, as altered and modified by the General Rule or Order of the 26th of April, 1858, shall be observed in Civil Proceedings in the Court of British Columbia, so far as the same are from local and other circumstances applicable, and so far as the same are not discharged, modified, or altered by this or some future Order or Rule of Court.*

2. *Whenever the town of Victoria is named in the said General Orders of the 12th February, 1857, and the 26th of April, 1858, as the place at which any act is to be done, or any address to be fixed, the name of Langley shall be substituted for Victoria.*

A.D. 1858.

3. *Sessions of the Court for the trial of all causes, civil and criminal, will be held four times in each year, commencing on the last Monday in January, the last Monday in April, the last Monday in June, and the last Monday in October in every year.*

4. *The same fees, poundage, and perquisites shall be levied and paid on all proceedings, enrolments, and acts whatever in this Court, as are now of custom or otherwise levied and paid on the like proceedings, enrolments, and acts in the said Supreme Court of Justice in Vancouver Island; and all such fees, poundage, and perquisites shall be applied in the same manner and proportions as in the Court of Vancouver Island mutatis mutandis.*

5. *There may be enrolled as Barristers of the said Court:—*

1st. *Any person who has been called or is qualified to be called to practise at the English or Irish Bar, or as an Advocate in Scotland, or who has taken the Degree of Doctor of Laws at any University in the United Kingdom.*

2nd. *Any person who may be instructed within the Colonies of British Columbia or Vancouver Island in the knowledge and practice of the Law by any practising Barrister of the said Court, subject to such regulations as may hereafter be by Law established within the Colony in relation to persons so to be instructed.*

6. *There may be enrolled as Attorneys and Solicitors of the said Court:—*

1st. *All persons entitled to practise as Attorneys, Solicitors, or Proctors in any of Her Majesty's Courts in England or Ireland, or as Writers to the Signet, or Solicitors to the Supreme Courts in Scotland.*

2nd. *All persons who may be instructed within the said Colonies of British Columbia or Vancouver Island, in the knowledge and practice of the law by any practising Solicitor and Attorney of the said Court, subject, nevertheless, to any regulations which may hereafter be by Law established in relation to persons so to be instructed.*

And whereas there is at present only one person in Victoria qualified to act as a Barrister in a Court of Law in England, and there is no other person resident in either of the said two Colonies qualified to act either as a Barrister, Attorney, Solicitor, or Proctor in England or Ireland, or as an Advocate, Writer to the Signet, or Solicitor to the Supreme Courts in Scotland, and it would be convenient to suitors, and expedient for the satisfactory administration of justice, that a larger number of persons should be admitted to appear and act as of Counsel for litigants and accused persons, and it is expedient to make temporary provision for a supply of such Counsel, I do further order as follows, viz.:—

7. *There may be enrolled on a temporary roll, as Attorneys and Solicitors of this Court, all such persons of good repute, learning, and discretion, as are entitled to practise either as a Barrister, Attorney, or Solicitor:—1st. In the Courts of Justice in Guernsey, Jersey, or in any other part of Her Majesty's Dominions not being within the United Kingdom; or, 2nd. In the Supreme Courts of the United States of North America. But no temporary enrolment under this present Order shall continue in force after the 30th June, 1859, unless the same shall in the meantime be extended and continued by further Order of this Court. And no person whose name shall be entered on such tem-*

porary roll shall by force of such enrolment alone have any privileges whatever, subsequently to the said 30th of June, 1859.

A.D. 1858.

There shall be paid to the Registrar, for every name to be entered on such temporary roll, a fee of ten shillings.

8. *Every person desirous to be enrolled under either of the preceding Orders, shall notify his desire to the Registrar or Deputy Registrar of the said Court, and shall also deposit with such Registrar or Deputy Registrar, his name at full length, and his address in either of the said Colonies, and also a statement of his qualification, and shall also make a declaration in the form set forth in the Schedule hereto. After approval thereof by the Judge of the said Court, all such names shall be by him entered on the proper roll. Every person to be enrolled, whether as Barrister, Attorney, or Solicitor shall, if a British Subject, take previously to his enrolment, the oath of allegiance to Her Majesty and Her Successors. And where any person so enrolled, not being a British Subject, shall have resided in Her Majesty's Dominions long enough to be naturalized, he shall be bound to become a naturalized British Subject, otherwise he shall ipso facto cease to be an Attorney or Solicitor of this Court and his name shall be erased accordingly. No foreigner shall be entitled to be placed on the temporary roll of Attorneys, when the foreigners already on the said roll are equal in number to the British Subjects for the time being entitled under these Orders to appear and act as Attorneys.*

9. *Except the persons so enrolled, no person shall be entitled to appear or address the Court for or on behalf of any party to any legal proceedings, unless he be the father, son, or brother of the party. But nothing in these Orders shall prevent parties to any suit or proceeding from appearing or pleading in person.]*

10. *The right of precedence among the enrolled Barristers as between themselves, and among the enrolled Attorneys and Solicitors as between themselves, shall be according to priority of enrolment on each roll. The priority of enrolment on any roll shall, in cases of dispute, be decided by the Judge of the Court. [But persons who shall have taken the oath of allegiance shall be entitled to be entered on the roll before all persons who shall have not taken such oath.]*

11. *All persons on either roll of Attorneys shall be subject to the authority of the Court, in the same manner as Attorneys and Solicitors are to the authority of the Superior Courts of Westminster. Any person, on either roll of Attorneys, shall be subject to removal, at any time, by the direction of His Excellency the Governor for the time being.*

12. *Until further orders shall be made herein, all Barristers of this Court may appear and practise as Attorneys and Solicitors, and all Attorneys and Solicitors may practise and plead as Barristers.*

[13. *Thomas George Williams, Esq., Registrar of the Supreme Court of Civil Justice in Vancouver Island, is hereby appointed to be Deputy Registrar, in Victoria, of the said Court of British Columbia.*

A.D. 1858.

AMENDED by Order
of Court of 11th
June, 1870.
(See Appendix.)

14. *Until further Order of this Court, it shall be lawful for the Attorneys and Solicitors thereof to ask and recover payment of fees and remuneration for all services for which fees and remuneration may be demanded, according to the practice of the Superior Courts of Westminster. And all such fees and remuneration may be charged at double the rates allowed in taxation in the Superior Courts of Westminster.*

SCHEDULE.

(A.) Form of Declaration by Barristers.

I, A. B., of _____, do solemnly and sincerely declare that (A) I am a Barrister at Law, (or Advocate duly authorized to practise in the Superior Courts of England, Ireland, or Scotland,) and that I was called to the Bar by the Honourable Society of _____, on the _____ day of _____, and that I am the person named in the Certificate now produced, and that I am a British born or naturalized British Subject, and that I have never changed my allegiance.

(A) Variation, where the person has never been actually called:—[I am a member of the Honourable Society of _____, and that I have kept all my terms there, and am entitled to be called to the Bar by that Society, and that I am a British, &c.]

(B.) Form of Declaration by Attorney or Solicitor.

I, A. B., of _____, do solemnly and sincerely declare that I am an Attorney of Her Majesty's Court of _____, at Westminster, or Proctor, or Writer to the Signet, &c., as the case may be, and that I was duly admitted an Attorney of the said Court at Westminster, (&c.) on the _____ day of _____, and that I am the person named in the Certificate now produced, and that I am a British born (&c.) Subject. (If naturalized, state the date), and that I have never (or never since) changed my allegiance.

(C.) Form of Declaration for Attorneys on Temporary Roll.

I, A. B., do solemnly and sincerely declare that I am _____, and that I am the person named in the Certificate. (Add declaration as to citizenship and qualification.)]

MATT. B. BEGBIE, J.

No. 28.

Proclamation by His Excellency JAMES DOUGLAS, Governor of British Columbia. Proclamation having the force of Law in Her Majesty's Colony of British Columbia. A.D. 1859.
Vide 112.

[8th June, 1859.]

WHEREAS under and by virtue of an Act of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions, and Ordinances for the peace, order, and good Government of the same:

And whereas by a Commission under the Royal Signet and Sign Manual, dated the 2nd of September, in the 22nd year of the Reign of Her Most Gracious Majesty, Matthew Baillie Begbie has been appointed to be a Judge in the said Colony, with full power and authority to hold Courts of Judicature, and to administer Justice according to the Laws at the date of the said Commission in force, or which might thereafter be in force in the said Colony:

And whereas it is expedient to declare the constitution of the Court of Justice of British Columbia, and to make provisions with regard thereto:

Now, therefore, I, the said James Douglas, Governor of British Columbia, do hereby, by virtue of the aforesaid authority and of every other authority enabling me in this behalf, enact and proclaim as follows, viz:—

1. The Court held before the said Matthew Baillie Begbie, and his successors in office, shall be called and known as "The Supreme Court of Civil Justice of British Columbia."

2. The said Matthew Baillie Begbie shall be the Judge therein during Her Majesty's pleasure.

3. The said Court shall be a Court of Record by the name or style of "The Supreme Court of Civil Justice of British Columbia."

4. The said Court shall have and use, as occasion shall require, a Seal bearing Her Majesty's Royal Arms, with an exergue or label enclosing the same, with the inscription "The Seal of the Supreme Court of British Columbia."

5. The said Supreme Court of Civil Justice of British Columbia shall have complete cognizance of all pleas whatsoever, and shall

A.D. 1859.
—

have jurisdiction in all cases, civil as well as criminal, arising within the said Colony of British Columbia.

6. All process heretofore issued by or under the authority of the said Matthew Baillie Begbie, or issued out of the Court over which he hath heretofore presided, shall be valid and effectual notwithstanding the alteration in the style and seal of the said Court, and shall be enforced under the name and style hereby given to the said Court, in the same manner as if the same had been originally issued in such last mentioned name, and under the Seal hereby authorized to be used.

No. 29.

A.D. 1859.
—

Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia, Vice-Admiral of the same, &c.

[20th July, 1859.]

WHEREAS Her Majesty the Queen has been graciously pleased to decide that the Capital of British Columbia shall be styled the City of New Westminster:

Now, therefore, I, James Douglas, do hereby declare and proclaim that the Town heretofore called and known as Queensborough, and sometimes as Queenborough, in the Colony of British Columbia, shall from henceforth be called and known as New Westminster, and shall be so described in all legal processes and official documents.

No. 30.

A.D. 1860.
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Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of Her Majesty's Colony of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

[8th March, 1860.]

WHEREAS, by virtue of an Act of Parliament made and passed in the 21st and 22nd years of the Reign of Her Most Gracious Majesty the Queen, and by a Commission under the Great Seal of

A.D. 1860.
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the United Kingdom of Great Britain and Ireland, in conformity therewith, I, James Douglas, Governor of the Colony of British Columbia, have been authorized by Proclamation issued under the Public Seal of the said Colony, to make Laws, Institutions, and Ordinances for the peace, order, and good government of the same:

And whereas in many parts of British Columbia, there is found to be great difficulty in procuring, on proper occasions, a sufficient number of British subjects to sit upon Grand and Petit Juries:

And whereas many of the provisions of the Statutes relating to the summoning, and qualifications, and disqualifications of Jurymen, cannot be complied with in British Columbia, and it is expedient to make other provisions in respect thereof:

Now, therefore, I, James Douglas, Governor of British Columbia, by virtue of the authority aforesaid, do proclaim, order, and enact as follows, viz.:—

1. The Acts of Parliament enumerated in the Schedule hereto, and all other Acts of Parliament (if any) in that behalf shall, so far as the same relate to the qualification, and summoning, and returning of Jurymen, and challenging of Jurymen, except for favour, be repealed and of no further application in the said Colony.

2. It shall be lawful for the Sheriff, or his deputy, or (in the absence of the Sheriff or his deputy) for any other person empowered to act as Sheriff, as mentioned in the "Sheriff's Act, 1860," to summon, in addition to such British subjects as he may be able conveniently to summon, such additional Grand and Petit Juries as he may think fit, to serve upon Grand and Petit Juries, whether British subjects or not, without regard to any property qualification.

3. No challenge shall be permitted, save only challenge for favor.

4. Twenty four hours' clear notice, to any person so summoned to act on a Jury, shall be deemed sufficient notice.

5. Every Jury in a criminal case shall be a good and sufficient Jury, provided the same shall consist of twelve men at the least, not objected to by any party, or if objected to, then if such Jurymen be approved by the Judge.

6. Where, on the trial of any civil case before the Supreme Court of Civil Justice, it shall be found, by reason of the paucity of Jurymen, or for any other cause, that twelve men cannot be procured in a reasonable time, or without great inconvenience, it shall be lawful for the Judge of said Court to certify the same under his hand and the Seal of the Court, and thereupon such trial may be had, and verdict given before the said Court and seven Jurymen, or any larger number.

7. Lists of all Jurymen summoned by any person appointed to act as Sheriff under the provisions of the "Sheriff's Act, 1860,"

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shall be deposited with the Registrar, or person exercising the functions of Registrar, in the said Court, and shall be by him communicated, with all convenient speed, to the High Sheriff of British Columbia, together with the Order of Court under which such person acting as Sheriff was authorized.

8. This Proclamation may, on all occasions, be cited as the "Jurors' Act, 1860."

SCHEDULE ABOVE REFERRED TO.

1	RICHARD III., c. 4.	The whole.
8	H. VI., c. 9.	The whole.
3	H. VII., c. 1.	The whole.
19	H. VII., c. 13.	The whole.
6	GEO. IV., c. 50.	So much as relates to the qualification, summoning, returning of Jurymen, and the challenging of Jurymen, except for favour.

No. 31.

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EXTENDED by No.
36.

Vide Nos. 41 & 49.

Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same &c., &c. Proclamation having the force of Law in Her Majesty's Colony of British Columbia.

[16th July, 1860.]

WHEREAS by virtue of an Act of Parliament made and passed in the 21st and 22nd years of the Reign of Her Most Gracious Majesty the Queen, and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, in conformity therewith I, James Douglas, Governor of the Colony of British Columbia, have been authorized by Proclamation issued under the Public Seal of the said Colony, to make Laws, Institutions, and Ordinances, for the peace, and good government of the same:

And whereas it is expedient to establish a Municipal Council in the City of New Westminster:

Now, therefore, I, James Douglas, Governor of British Columbia, by virtue of the authority aforesaid, do proclaim, order and enact:—

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1. That from and after the date of this Proclamation, the tract of land specified in the first part of the Schedule hereto, shall be deemed for the purposes of this Proclamation the City of New Westminster.

2. The said City shall be divided into Four Wards, called respectively: Number One Ward, Number Two Ward, Number Three Ward, and Number Four Ward.

The Number One Ward shall include the tract of land specified in the second part of the said Schedule. The Number Two Ward shall include the tract of land specified in the third part of the said Schedule. The Number Three Ward shall include the tract of land specified in the fourth part of the said Schedule, and the Number Four Ward shall include the tract of land specified in the fifth part of the said Schedule.

3. The Municipal Council shall consist of Seven Councillors possessed of the qualifications and subject to none of the disqualifications hereinafter specified. The Municipal Council.

4. Being a British Subject of full age.

Qualifications.

Having resided in the City of New Westminster for a space of three calendar months previous to Election.

Being seised or possessed in his own right, in fee simple of a Town Lot or part of a Town Lot in the City of New Westminster, of the market value of not less than fifty pounds sterling.

5. Being a minister of any religious denomination.

Disqualifications.

Being a Sheriff, or Sheriff's Officer, or Returning Officer under this Proclamation.

Being a bankrupt, insolvent debtor, or outlaw, or having been convicted of any felony.

Having taken the oath of allegiance to or having become the subject or citizen of any foreign state or nation, or having forsworn or declared his intention of forswearing his allegiance to Her Majesty or Her Successors, unless he shall have taken the oath of allegiance to Her Majesty and Her Successors before the Judge of the Supreme Court of Civil Justice of British Columbia, three months at least before the time of election.

Having directly or indirectly any contract with the Municipal Council.

6. The persons possessed of the qualifications and under none of the disqualifications hereinafter mentioned concerning electors of the said Municipal Council shall have one vote apiece in the election of a Councillor or Councillors for the ward wherein he has a property qualification, but he shall only vote once in the same ward, and may either split his vote between the Candidates, if more

Election of Council-
lors.

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than one, or vote for one only, and if he shall vote for one only, his vote shall only count one.

7. There shall be elected in Number One Ward, one Councillor; in Number Two Ward, three Councillors; in Number Three Ward, two Councillors; and in Number Four Ward, one Councillor, respectively.

8. The Candidate, or Candidates, as the case may be, in each Ward (duly qualified) who shall obtain the greatest number of votes in the Ward for which he or they may stand, shall be Councillors.

Open voting.

9. The voting for Councillors shall be open, and no person shall vote by proxy.

Duration of office of Councillors.

10. The Councillors shall be elected for one year only; provided, always, that if any of the Councillors, or any person on his or their behalf, or any person in partnership with him or them, shall enter into or obtain any interest, directly or indirectly, in any contract entered into by or with the Municipal Council, such Councillor shall immediately resign his Councillorship; provided, always, that if any Councillor shall vote at any meeting of the Council, or shall not resign his office as aforesaid, within the space of one calendar month from the time when he shall have entered into or obtained any interest in any such contract as aforesaid, such Councillor shall forfeit to the Municipal Council a sum of fifty pounds, which said sum may be recovered by action to be brought in the name of the Municipal Council of the City of New Westminster.

Time of election of Councillors.

11. The nomination shall be on the sixth day of August in each year, and the election day on the seventh day of August in each year; and if either of the said days shall fall on a Sunday, the nomination or poll, as the case may be, shall be holden on the next day.

Place of Voting.

12. The voting shall take place in such place in the City of New Westminster as the Chief Inspector of Police for the time being of British Columbia shall appoint, and such person, or in his absence, such person as the Governor shall appoint, shall for the purposes of this Proclamation, be the Returning Officer.

13. The Returning Officer shall, on the twenty-fifth day of July in each year, make out a list of qualified Voters, and such list shall be final and conclusive.

The Returning Officer shall give at least seven days' public notice of the place of voting.

Qualification of Voters.

14. Being a male of full age.

Being, at the time of tendering his vote aforesaid, placed on the list of Voters; provided always, that at the first election of Councillors, which shall be holden at New Westminster, the

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Voters shall be such male persons of full age as shall, being owners or lessees of a town lot, or part of a town lot, in New Westminster aforesaid, be placed on the list of Voters for that purpose by the Chief Inspector of Police of British Columbia aforesaid, who is hereby authorized to make up such list of Voters, and to take such measures for that purpose as he may think proper.

15. Being a Sheriff, or a Sheriff's Officer, or Returning Officer. Disqualification of Voters.
Being a bankrupt, insolvent debtor, or outlaw, or having been convicted for felony.

16. Every person tendering his vote at any election of a Councillor shall before voting, take such of the following oaths as he may be required by some other duly qualified Voter:

1. I, *A. B.*, do hereby swear that I am the same *A. B.* who is mentioned on the list of Voters, and that I am now, in my own right, possessed of, or tenant of (statement of qualification), in respect of which I have been entered on the (list of Voters, or assessment roll, as the case may be).
2. I, *A. B.*, do hereby solemnly swear that I have not received or been promised, or to my knowledge has any other person on my behalf, or for my benefit, received or been promised any money, gift, advantage, place, or consideration for, or for the purpose of influencing the vote which I now tender.

17. The Returning Officer shall on the day of nomination, nominate such persons as shall present themselves before him, or who shall be put in nomination in their behalf by some duly qualified voter, as candidates for the office of Councillor. A show of hands will then take place, and the Returning Officer shall thereupon declare which of the Candidates has or have been elected by the show of hands. Nomination and Poll.

Any Candidate may demand a poll which shall be taken on the day of Election, and the Returning Officer shall immediately after the close of the poll, declare who has or have been elected by the greatest number of votes.

18. The poll shall be kept open between the hours of eleven o'clock A. M., and four o'clock P. M.

19. The Councillor who shall be elected by the majority of the Council shall preside at each meeting of the Council, and in case of the death, bankruptcy, insolvency, resignation, or permanent absence of such President, another Councillor shall be elected the President. President of the Council.

20. In case of the death, bankruptcy, insolvency, resignation, or permanent absence from the City of New Westminster, for the space of three calendar months, of any Councillor, the President of Vacancies in the Council.

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the Council shall by writing, call upon the Returning Officer to cause some duly qualified person to be elected, in the stead of the vacating Councillor, by some day, not sooner than twenty-one days from the date of the said notice, and such election shall take place accordingly, and such Councillor shall act for the residue of the term for which such Councillor so dead, bankrupt, insolvent, absent, or resigned, would have held the same.

Custody of Poll
Books.

21. The Returning Officer shall, within forty-eight hours after the declaration of the poll, deliver over the Poll Books to the Stipendiary Magistrate of New Westminster.

22. Any person may obtain a certified copy of the Poll Books from the Stipendiary Magistrate aforesaid, upon payment of one shilling per folio.

Validity of Elec-
tions.

23. The validity of all elections shall be tried by the Returning Officer aforesaid, for the time being, and his decisions thereon shall be final.

Proceedings of the
Council.

24. All acts whatsoever authorized or required by virtue of this Proclamation to be done by the Council, and all questions of adjournment, or others that may come before the Council, may (save as hereinafter excepted) be done and decided by the majority of the members of the Council, who shall be present at any meeting held in pursuance of this Proclamation, the whole number of members present at such meeting not being less than four; and at such meeting the President of the Council, if present, shall preside, and the President, or, in the absence of the President, such Councillor as the members of the Council then assembled shall choose to be the Chairman of that meeting, shall have a second or casting vote in all cases of equality of voters, and minutes of the proceedings of all such meetings shall be drawn up and fairly entered into a book to be kept for that purpose, and shall be signed by the President or Councillor presiding at such meeting, and the said minutes shall be open to the inspection of any person who may also make copies thereof, and extracts therefrom, at all reasonable times, on payment of a fee of one shilling.

25. Previous to any meeting of the Council, a notice of the time and place of such intended meeting, shall be given three clear days at least before such meeting, by fixing a copy of the said notice on the door of the place of meeting, on the door of the Magistrate's Court, and on the door of the Post Office, and such notice shall be signed by the President of the Council, who shall have power to call a meeting of the Council as often as he shall think proper, and in case the President shall refuse to call any such meeting after a requisition for that purpose, signed by three members of the Council at the least, shall have been presented to him, it shall be lawful for the said three members to call a meeting of the Council, by giving such notice as is hereinafter declared in that behalf; such

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notice to be signed by the said members, instead of the President, and stating therein the business proposed to be transacted at such meeting, and in every case a summons to attend the Council, specifying the business proposed to be transacted at such meeting, signed by the President or members, as the case may be, shall be left at the usual place of abode of every member of the Council, or at the premises in respect of which he is placed on the Municipal Assessment Roll, three clear days at least before such meeting, and no business shall be transacted at that meeting other than the business which is specified in the notice. Provided, however, that there shall be four quarterly meetings in every year, at which the Council shall meet for the transaction of general business, and no notice shall be required of the business on such quarterly days, and the said quarterly meetings shall be holden at noon, on the fifteenth day of August, or if the fifteenth day of August shall fall on a Sunday, then on the sixteenth day of August, and upon such other three days as the Council at the quarterly meeting on the fifteenth day of August, shall decide.

26. The Council may, out of their own body, from time to time, appoint such and so many Committees, either of a general or special nature, and consisting of such members as they may think fit, for any purpose which, in the discretion of the Council, would be better regulated and managed by means of such Committee. Provided, always, that the acts of every such Committee shall be submitted to the Council for their approval.

27. The Council shall determine their own place of meeting.

28. The Council shall have power to pass By-Laws for any of the following purposes:—

Powers of the
Council.

1. To regulate the sanitary condition of the said City.
2. To regulate the markets situate within the said City.
3. To provide means for the preservation of the said City from fire, and to regulate all matters affecting the liability of the said City to fire.
4. To provide for the prevention and removal of nuisances.
5. To regulate the introduction of diseased and unhealthy meat, and to provide for the inspection of the same.

29. The Council shall also have power, by a resolution passed as hereinafter mentioned, to devote any portion of the moneys raised by the assessments hereinafter mentioned, to any of the following purposes:—

- (a.) The construction, erection, maintenance, and repair of the streets, ways, footpaths, and bridges, situate within the said City.
- (b.) The drainage and sewerage of the said City.

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(c.) The improvement of the sanitary condition of the said City.

(d.) The clearing of the lots situate within the said City.

30. Every By-Law shall be passed by the vote of at least four members of the Council, and at a meeting where at least five members of the Council shall be present. The By-Law passed by the said Council shall, when confirmed by the Governor for the time being of British Columbia, have the force of law.

31. The penalty by which any By-Law may be sought to be enforced, may be stated in the By-Law, and if no penalty is therein mentioned, the breach of any By-Law shall be punished in a summary way, by a fine not exceeding ten pounds, or by imprisonment for any time not exceeding three months, at the discretion of the Magistrate before whom the offender may be brought. The Magistrate before whom any offender may be brought, may, in case of a fine, adjudge that such offender shall pay the same, either immediately or within such period, or by such instalments, as the said Magistrate shall think fit; and in case such sum of money shall not be paid at the time so appointed, the same shall be levied by distress, or sale of the goods and chattels of the offender, and for want of a sufficient distress, such offender may be imprisoned, with or without hard labour, in the common gaol, for any term not exceeding three months, or for the period mentioned in the By-Law, as the case may be. The imprisonment to cease, if for default, upon payment of the fine and costs.

32. The Council may, by a resolution passed in manner provided for the passage of a By-Law, devote any portion of the municipal funds, not exceeding in the whole for any one year, one-third of the municipal revenue, towards defraying the ordinary expenditure of the Council, in the conduct of its general business, and to any of the purposes in respect whereof the Council is empowered to pass By-Laws.

33. Provided, always, that the Council shall have no power to incur any personal liability other than a liability for the misapplication of the municipal revenue, or any liability against the municipality, or the revenue thereof, beyond the municipal revenue of the city for the current year.

34. The Council may, by a By-Law passed and confirmed as aforesaid, direct that a tax be levied on all town lots within the said city, and all erections thereon, other than the property of the Government, not to exceed two pounds in the hundred on the value of such town lots and erections as aforesaid. Such value to be assessed as hereinafter mentioned.

Provided, always, that such tax shall not extend over, or be levied for a longer time than the financial year in which the same is authorized to be levied by any By-Law aforesaid.

35. The Council may, if called on so to do as hereinafter mentioned, by a By-Law passed and confirmed as aforesaid, direct the levy of a further rate, not exceeding five pounds in the hundred on the value aforesaid, in addition to the rate lastly hereinbefore mentioned, and to continue for the same period.

A.D. 1860.

[Provided, always, that such further rate shall not be levied until a requisition to that effect shall have been made in writing by a majority of the rate-payers on the Assessment Roll. Such further rate to be of the amount specified in such requisition.]

REPEALED by
No. 41.

36. An Assessment Roll shall, on such day in each year as the Council shall appoint, be prepared by or on behalf of the Council, and the freehold and leasehold property situate within the said city shall be therein specified, together with the names of the persons occupying the same, and the names of the persons owning the same. Assessment Roll.

An Assessor shall be appointed for the purpose of making such assessment by the Council; and the said Assessor shall make such assessment according to the actual value of the property at the time of such assessment, and lay the same before the Council within fourteen days from the said day of assessment. The assessment shall be made as well on the leasehold interest of every lessee of any portion of a lot as upon the freehold interest of the same lot. Any person so assessed may, if he feels himself aggrieved by the assessment, appeal to the Council, who shall summarily decide thereon.

The decision of the Council shall be final. The Council may, in addition to the By-Laws which they are authorized to make as aforesaid, make By-Laws providing for the manner in which such appeal may be conducted; such By-Law to be passed and confirmed, and to have the force aforesaid.

In the event of non-payment, by any person, of any rate or tax duly imposed by the Council, the same may be levied by the Magistrate of the said City, by distress on the goods and chattels of the person liable to pay the same, and in default of a sufficient distress, by sale of the lot, or portion of a lot, together with the erections aforesaid, in respect of which such rates or tax shall have been imposed, within thirty days from the day on which such payment ought to have been made; and such sale shall be made in manner provided for the sale of lots in Clause 37, and such sale shall have exactly the same effect as if made under such clause.

37. The Council may give notice to any persons, owners of town lots within the said city, by advertisement in the Government Gazette and local newspapers, to cut down, within any time to be mentioned in such notice, not being less than thirty days from the date of the insertion of such notice, all timber and other trees standing thereon, except such as may be reserved, with the consent Clearing of Lots.

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of the Council, for ornament; and in case such notice be not complied with, the Council shall have power to cause the said timber and other trees to be cut down, at the expense of the person or persons on whose lot the same may be; and if such person or persons do not, within sixty days after the timber or other trees shall have been cut down as aforesaid, defray such expense, the Magistrate may adjudge that such person or persons shall pay the same, either immediately, or within such period as the said Magistrate shall think fit; and in case such sum of money shall not be paid at the time so appointed, the same shall be levied by sale of the lot upon which such timber or other trees shall have been so cut down as aforesaid, in manner hereinafter mentioned.

Any sale so adjudged to be made as aforesaid, shall be made upon the simple order of the Magistrate in writing, upon such day, and in such manner as the said Magistrate may specify in such order, and the Magistrate shall convey such lot to the purchaser at such sale, and the title of such purchaser shall be an absolute fee simple, notwithstanding any irregularity or informality in such sale, or in the proceedings prior thereto, or subsequent thereon.

The Magistrate aforesaid shall defray the expenses of, and attendant upon the said sale, and such expenses for cutting as aforesaid, out of the purchase moneys arising from such sale, and shall pay the residue of such purchase moneys into the Treasury of British Columbia, in trust for the person or persons to whom as real estate it may belong.

Provided, always, that in no case shall the expenses of clearing any lot, so to be cleared as aforesaid, exceed the sum of seven pounds sterling.

Provided, that unless the Council shall completely cut down the trees on any lot, no demand shall be made on the owner, nor shall any sale of any such lot be made under the provisions of this Proclamation.

38. This Proclamation may, on all occasions, be cited as the "New Westminster Municipal Council Act, 1860."

SCHEDULE.

FIRST PART.

All that tract of land now marked and laid out on the Official Map as the City of New Westminster.

SECOND PART.

All that tract of land which includes the pieces of ground described on the Official Map of the said City as Blocks 1, 2, 8, 9, 10, 11, 22, 23, and 28.

THIRD PART.

A.D. 1860.

All that tract of land which includes the pieces of ground described on the Official Map of the said City as Blocks 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, and 17.

FOURTH PART.

All that tract of land which includes the pieces of ground described on the Official Map of the said City as Blocks 24, 25, 26, 29, 30, and 31.

FIFTH PART.

All that tract of land which includes the pieces of ground described on the Official Map of the said City as Blocks 18, 19, 20, 21, 27, 32, and 33.

No. 32.

Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia, Vice-Admiral of the same.

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Further Tolls imposed by No. 44.

Certain articles exempted by No. 58, and by No. 149.

[15th October, 1860.]

WHEREAS under and by virtue of an Act of Parliament, made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions, and Ordinances for the peace, order, and good government of the same:

And whereas it is of great importance to proceed with all possible expedition with the construction of the Roads now in progress from Fort Yale, Fort Hope, and Douglas, through the several passes of the Cascade Range of Mountains, viz., from Fort Yale, along the course of the Fraser River; and from Fort Hope, along the course of the Quequealla River; and from Douglas, along the course of the Lillooet River:

And whereas, as well for the maintenance of the said several Roads, considerable sums of money are required:

And whereas, in the course of the past year, the cost of carriage to points beyond the said mountains has been lessened by fully the moiety thereof, viz., by sums varying from sixpence to one shilling on the carriage of each pound weight avoirdupois:

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And whereas petitions have been presented, from Fort Hope and Fort Yale, praying that such a Toll as hereafter mentioned may be established and levied, and that the money so raised may be applied in forming, maintaining, and improving the means of land communication from the points at which such Tolls may respectively be levied:

Now, therefore, I, James Douglas, do hereby declare, proclaim, and enact as follows:—

1. There shall be levied and paid as and from the tenth day of November next, unto and to the use of Her Majesty, Her heirs and successors, the sum of one shilling for every fifty pounds weight avoirdupois of all goods (and so in proportion for a greater or less quantity than fifty pounds weight of goods) taken or carried beyond Douglas, in the direction of Lake Lillooet, whether on the Lillooet River, on the trail or road. And upon every fifty pounds weight avoirdupois of all goods taken or carried beyond Fort Yale, by land or water, in the direction of Spuzzem; and of all goods taken or carried beyond Fort Hope, by land, in the direction of Boston Bar or the Shimilkomeen.

2. The Duties hereby imposed, shall be deemed to be Custom Duties, and shall be under the care and management of the Collector of Customs for the time being for the Colony, who, by himself and his officers, shall have all the powers and authorities for the collection, recovery, and management thereof, as are under or by virtue of the Customs Consolidation Act, 1853, and the Supplemental Customs Consolidation Act, 1855, or either of them, or any other Act or Proclamation, vested in the said Collector for the collection, recovery, and management of Duties of Customs, and all other powers and authorities requisite for levying the said Duties.

3. Every infraction, or attempted infraction, of this Proclamation, shall be deemed an act of smuggling, or attempted smuggling, as the case may be; and every Justice of the Peace in the Colony shall have all such powers to deal with every person charged with an offence against this Proclamation, as a Stipendiary Magistrate for a Metropolitan District, in England, has to deal with a person charged with smuggling in such District.

4. Upon payment of any duties leviable under this Proclamation, a receipt shall be given by the person receiving the duty, in which shall be given the nature of the goods, the date of payment, the name and address of the person from whom payment has been received, and of the person to whom the goods are consigned, or (where there shall be no consignee) of the person to whom the same shall have been given in charge; and such receipt may be in the Form in the Schedule hereto, and shall be signed by the person appointed to receive the said duties; and it shall be lawful for any

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Constable, or for any person thereto authorized by the said Collector of Customs to demand the production of such receipt by any person found in charge of goods upon any of the trails, roads, or rivers herein before mentioned; and wherever any goods shall be found without such receipt, or not fully covered and described in such receipt, or without any person being in charge, all the goods so found shall, until the contrary be proved, be deemed to be smuggled goods, and they and all persons connected with the same, and the vehicles and animals on which the same may be laden shall be dealt with accordingly.

5. Such portion as shall be thought fit, not exceeding one moiety of any fine which may be imposed under this Proclamation, may by the convicting Justice in any case be directed to be paid to, or distributed in such manner as he shall think fit, amongst the person or persons giving evidence or information leading to the conviction in such case.

6. All moneys received under this Proclamation at each of the said three Towns shall be carried to separate accounts, entitled respectively the "Yale Fund," the "Douglas Fund," and the "Fort Hope Fund," and shall be applicable to the several purposes aforesaid.

7. In the construction of this Proclamation the Town of Douglas shall be held to include all places within a radius of one mile from the Court House there. The Town of Fort Yale shall be taken to extend to the commencement of the blasting on the river shore, and for the space of eight hundred yards from the bridge up the present mule trail towards Spuzzem. The Town of Fort Hope shall include all the space between Fraser River, Quequealla, and the Mill-race at Fort Hope. The expression "Goods" shall include every description of inanimate personal property, except such as shall be actually employed for the purposes of carriage of other goods, as waggons, drays, packsaddles in actual use, and the like.

8. There shall be exempt from all duty payable under this Act:

1. The food, necessaries, tools, and materials bona fide taken and supplied to persons working on said roads.
2. Miners' packs carried by the owners and not exceeding thirty pounds avoirdupois in weight for each man's load. Provided, always, that it shall be lawful for the Executive to direct that the duties imposed by this Proclamation shall not be levied on goods actually belonging to and borne by Indians, or bona fide belonging to and taken by the occupiers of any lands within two miles of Fort Yale, Fort Hope, and Douglas for bona fide use upon such lands.

9. This Proclamation may on all occasions be cited as the "Roads Tolls Act, 1860."

A.D. 1860.

SCHEDULE ABOVE REFERRED TO.

Date of payment.	Description of goods.	Weight in lbs.	Name and address of person paying duties.	Name and address of Consignee.	Name and address of party in charge.
1860. August 20	Flour	1750	A. B., F. Yale, Front Street	None.	C. D., of Fort Yale & Lytton

20th August, 1860, Received £1 15 0.

(Signed) *E. F.,*
Deputy Collector.

No. 33.

A.D. 1860.

Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

[22nd December, 1860.]

WHEREAS under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, to make Laws, Institutions, and Ordinances for the peace, order, and good Government of the same:

And whereas the Port of New Westminster is the only Port of Entry for goods in British Columbia:

And whereas many persons have imported goods into British Columbia across the Southern Boundary thereof, contrary to Law:

And whereas it is expedient that all persons importing goods into British Columbia across the said boundary should be notified that such importation is contrary to Law, and can be permitted only pending the completion of the communications in British Columbia:

And whereas the collection of the Customs Duties is rendered very expensive by the importation of goods across the Southern Boundary aforesaid, and it is expedient to impose a fine on such importation, to meet the additional costs of collection:

Now these are to give notice:—

A.D. 1860.

1. That no goods, wares, animals, or merchandize shall be imported into British Columbia which shall not have been entered at New Westminster aforesaid, unless the duties, tolls, and fines hereinafter specified shall have been first paid to some duly qualified Officer of Customs, and such Officer shall have first granted to the importer a permit on behalf of such goods.

2. The duties and tolls aforesaid shall be as follows:

(a.) The duties at present imposed by virtue of the Proclamation of the second day of June, One thousand eight hundred and fifty-nine, and the twentieth day of August, One thousand eight hundred and sixty.

(b.) For every fifty pounds weight avoirdupois of such goods, wares, or merchandize (and so in proportion for a greater or less quantity than fifty pounds weight of goods,) one shilling; Miners' packs, carried by the owners and not exceeding thirty pounds weight avoirdupois, for each man's load, being exempt from such duties aforesaid.

(c.) For every ton of goods, wares, or merchandize, twelve shillings.

3. In addition to the aforesaid duties and tolls, a fine, equivalent to three per cent. on the market value of such goods, wares, animals or merchandize, shall be paid to such Officer of Customs; such market value, to be calculated upon the market value of the goods, wares, animals, or merchandize, at the place of collection.

4. Any person wilfully evading, or attempting to evade, the payment of any of the duties, tolls, or fines aforesaid, shall be fined treble the amount of the duties, tolls, or fines, or any sum not exceeding one hundred pounds, at the discretion of the Magistrate.

5. Any penalty under this Act may be recovered and enforced before any Magistrate in British Columbia, in a summary way.

6. This Proclamation may be cited as the "Southern Boundary Act, 1860."

No. 34.

Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

A.D. 1861.

[10th May, 1861.]

WHEREAS under and by virtue of an Act of Parliament, made and passed in the Session of Parliament held in the 21st and

A.D. 1861.
—

22nd years of the Reign of Her Majesty Queen Victoria, entitled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, to make Laws, Institutions, and Ordinances, for the peace, order, and good government of the same:

And whereas certain pieces of ground have been set apart for the use of the Roman Catholic Church in British Columbia:

And whereas it is necessary to grant the said pieces of land:

Now, therefore, I do hereby declare, proclaim, and enact as follows:—

1. That all Conveyances made by the Crown to the Roman Catholic Bishop of Vancouver Island, shall vest the same in the Roman Catholic Bishop of Vancouver Island for the time being and his successors in office from time to time, upon trust for the Roman Catholic Church in British Columbia.

2. That in the interval between the appointment of the successive Bishops, the person who shall for the time being be appointed to administer the affairs of the Roman Catholic Church in British Columbia shall have entire control over the rents, issues, and profits of the same pieces of land, until the appointment aforesaid.

3. This Proclamation may be cited as the "Roman Catholic Land Act, 1861."

No. 35.

A.D. 1861.
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Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same &c., &c.

[16th July, 1861.]

WHEREAS by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, and have been authorized by Proclamation issued under the Public Seal of the said Colony, to make Laws, Institutions, and Ordinances, for the peace, order, and good government of the same:

And whereas it is expedient to protect the members of the Fire Companies, and other Associations in New Westminster, in their efforts to prevent the destruction of property by fire in the Town of New Westminster and its vicinity:

A.D. 1861.

Now, therefore, I do hereby declare, proclaim, and enact as follows:—

1. Any member of a Fire Company whose name is enrolled in manner prescribed by the By-Law made and passed by the Municipal Council, and approved by me on the 15th day of July, 1861, and called the Fire By-Law, 1861, shall not be liable for damage done by him to the property of any other person, in the extinction or attempted extinction of fire, or in the removal of any erection, edifice, or building which, regard being had to the safety of the adjacent property, may be reasonably deemed expedient to remove.

Members of Fire Companies protected from liability in their execution of their duty.

2. Provided, always, that in the destruction or removal of property aforesaid, the immunities hereinbefore given shall not extend to any person who shall act in such destruction or removal contrary to, or without the order of the person who, by the said By-Law, shall be authorized to direct the actions of the said Company.

No person to be protected who acts without orders of the person in charge of the Fire Department.

3. Provided, also, that the immunities aforesaid shall not extend to any person who shall, in the destruction or removal of any property aforesaid, be guilty of malice, wanton mischievousness, or gross negligence.

No immunity to persons guilty of malice, mischievousness, or gross negligence.

4. In case of any suit or action brought by any person against any member of any Fire Company so enrolled as aforesaid, in respect of damage done by such member, such member may obtain the benefit of this Act, by a plea in the words and figures following: "Not guilty" by Statute, without malice, wanton mischievousness, or gross negligence.

Plea of this Proclamation.

5. No fee shall be made demandable for enrolment as aforesaid.

No fee for enrolment.

6. This Proclamation may be cited for all purposes as the "Fireman's Protection Act, 1861."

Short Title.

No. 36.

Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice Admiral of the same, &c., &c.

A.D. 1861.

EXTENDED BY
No. 41.

Vide Nos. 31 & 49.

[22nd October, 1861.]

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the Session of Parliament held in the 21st and

A.D. 1861.

22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony to make Laws, Institutions, and Ordinances, for the peace, order, and good government of the same :

And whereas it is expedient to increase the limits of the Municipality and the number of Councillors of New Westminster, and to extend the operation of the "New Westminster Municipal Council Act, 1860," accordingly :

Now, therefore, I do hereby declare, proclaim, and enact as follows :—

From and after the date of this Proclamation,

Adds Block 36 to No 1 Ward.

1. All that tract of land which includes the piece of land described on the official maps of the said City, as Block XXXVI., shall be included in the second part of the Schedule of the said Act, and be deemed and taken, for all the purposes of this Act, as an integral portion of Number One Ward.

Adds Block 35 to No. 3 Ward.

2. All that tract of land which includes the piece of land described on the official maps of the said City, as Block XXXV., shall be included in the second part of the Schedule of the said Act, and be deemed and taken, for all the purposes of this Act, as an integral portion of Number Three Ward.

Adds Block 34 to No. 4 Ward.

3. All that tract of land which includes the piece of land described on the official maps of the said City, as Block XXXIV., shall be included in the fifth part of the Schedule to the said Act, and be deemed and be taken, for all the purposes of this Act, as an integral portion of Number Four Ward.

Creates two additional Councillors, one for No. 1 Ward, and one No. 4 Ward

4. In addition to the Councillors already provided by the said Act, there shall be elected, in the same manner and with the same qualifications as at present, one additional Councillor for Number One Ward, and one additional Councillor for Number Four Ward.

Extends the provisions of the "New Westminster Municipal Council Act, 1860, to the additional limits and Councillors.

5. The "New Westminster Municipal Council Act, 1860," shall be deemed and taken, and is hereby declared to extend, and apply in all respects to the additional limits and Councillors hereby created for the said City, as if the same had been originally included in the said Act.

Short Title.

6. This Act shall be cited as the "New Westminster Municipal Council Extension Act, 1861."

No. 37.

Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia, and its Dependencies, Vice-Admiral of the same, &c., &c.

A.D. 1862.

Vide Nos. 58 & 149.

[18th August, 1862.]

WHEREAS, under by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions, and Ordinances for the peace, order, and good government of the same:

21st & 22nd Vict.

And whereas a petition has been received from the inhabitants of Lillooet and the neighbouring districts, praying for the formation of a Road from Lillooet to the Northern Agricultural and Mining Districts of the Colony, and that Tolls should be imposed to defray the expense of constructing, maintaining, and improving a continuous line of communication from Lillooet with the interior:

And whereas by an agreement, dated the sixteenth day of August, A. D. One thousand eight hundred and sixty-two, and made between Richard Clement Moody, a Colonel in the Royal Engineers, Chief Commissioner of Lands and Works, acting on behalf of the Government of the Colony of British Columbia, of the first part, and Gustavus Blin Wright, of Lillooet, in the said Colony, Merchant, of the other part:

The said Gustavus Blin Wright contracted to construct and complete a certain Waggon Road, from a certain point at or near Lillooet, on the Fraser River, along a certain route to a point to be fixed on the same river at or near Alexandria, upon and subject to the several terms, payments, conditions, and stipulations in the said agreement more particularly set forth; and by the said agreement it was among other things provided that, in part consideration of the due completion of the first fifty miles of the said Waggon Road, Tolls should be imposed in manner hereinafter mentioned, on goods, chattels, and cattle using any part of the said road, and that during the construction of the said Waggon Road the said Government should make advances to the said Gustavus Blin Wright, by way of loan repayable out of Tolls, and at the rate, in

A.D. 1862.

the manner, and subject as in the said agreement is more particularly mentioned:

And whereas the first fifty miles of the said road have been duly completed, and the sum of three thousand pounds has already been paid by the said Richard Clement Moody to the said Gustavus Blin Wright on account of advances as aforesaid therein:

And whereas it is expedient for the cheaper transport of merchandize and provisions, and for facilitating the operations of Commerce, and the development of the Country, that such reproductive expenditure should be incurred, and that the proposed road from Lilloet to Alexandria should be executed as speedily as possible:

Now know ye, that I do hereby declare, proclaim, and enact as follows:—

Creates a Toll of one half-penny per lb. on goods, and one shilling per head on cattle.

1. From and after the first day of September, One thousand eight hundred and sixty-two, there shall be levied, assessed, and collected, from all persons whatsoever, the sums following, (that is to say): for every pound avoirdupois of goods, merchandize, stores, productions, and chattels, other than those belonging to or employed in the service of the Government of British Columbia, taken or carried along (but not across) any part of the said road between Lilloet and Alexandria, the sum of one half-penny sterling; and for every head of cattle of every description passing on or along (but not across) any part of the said road, the sum of one shilling sterling.

Exemptions.

2. Provided that such Tolls shall not be demandable on goods, chattels, or cattle, simply carried or passing across any part of such road, or belonging to or employed in the service of the Government, or bona fide used in the construction of the said road, upon proof satisfactory to the person for the time being collecting the said Tolls of such use, or on manure or machinery for mill, or manufacturing, or steamboat purposes, passing or carried along any part of the said road, or on goods, chattels, or cattle passing or carried along any part of the said road, within a circle of two miles, to be defined by the said Chief Commissioner, around any existent or future Town in or immediately adjoining the line of the said road.

Toll on articles not by weight.

3. Provided, nevertheless, that such goods, chattels, articles, and things not hereinbefore exempted from Tolls as, from their construction or otherwise, cannot be estimated by weight, shall be subjected to such Tolls, to be collected and recoverable with the same penalties as Tolls under this Act, as shall from time to time be prescribed by notice in that behalf.

Power to Chief Commissioner to regulate weights carried, and width of tires.

4. Provided, also, that it shall be lawful for the said Chief Commissioner of Lands and Works by notice at any time or times hereafter to regulate the weight which shall be allowed on any carts, waggons, carriages, or other vehicles using any part of the

said road, having regard to the width of the tire, and also to regulate the width of the tire to be used on the said road.

A.D. 1862.

5. It shall be lawful for the said Chief Commissioner of Lands and Works, with the consent in writing of the said Gustavus Blin Wright, his executors, administrators, or assigns, until redemption or forfeiture hereinafter referred to, and afterwards without such consent, by notice from time to time or at any time to reduce, vary, or re-establish all or any of the said Tolls to any sums not exceeding the said rates, and for such periods as shall for the time being or from time to time be specified in that behalf in any such notice.

Power to reduce and vary Tolls with consent of contractor.

6. Until the lien of the said Government in the said Tolls is fully paid and satisfied, all Tolls levied under the provisions of this Act, shall be collected by such person or persons, and with and in such forms and manner subject to the provisions of this Act as the Chief Commissioner of Lands and Works for the time being shall from time to time in that behalf direct.

Collection of Tolls.

7. Until the Government lien aforesaid is fully paid and satisfied by the said Gustavus Blin Wright, his executors, administrators, or assigns, whether by collection of Tolls, repayment of advances, redemption, resumption, or forfeiture, three-fourth parts of all such Tolls, less the cost of collecting the same, shall be retained by the said Government, and paid and applied to and for the uses, and in the manner, in the said agreement of the sixteenth day of August, A. D. One thousand eight hundred and sixty-two, in that behalf provided.

Until repayment of Government advances, three-fourths of Tolls to go to repay Government advances.

8. The remaining one-fourth part of all the said Tolls, less the cost of collecting the same, shall, by the Chief Commissioner of Lands and Works, or his agent, be paid to the said Gustavus Blin Wright, his executors, administrators, or assigns, by regular monthly payments, on the first day of every month, during the period of five years, from the first day of September, A. D. 1862, or until the redemption or forfeiture of the said Road and Tolls, under the provisions in that behalf, in the said agreement of the 16th day of August, contained; subject, nevertheless, to the expenditure of such portion thereof, for such repairs, deviations, and improvements of the said road, by the said Gustavus Blin Wright, his executors, administrators, or assigns, and for such Government inspections as the Chief Commissioner of Lands and Works, for the time being of the said Colony, or his agent, shall from time to time in that behalf direct, in the manner in the said agreement of the 16th day of August, A. D. one thousand eight hundred and sixty-two, in that behalf provided.

The remaining one-fourth to be paid to contractor, subject to payment of outgoings of road.

9. When and so soon as the whole charge of the said Government upon the said Tolls, whether for advances, loans, or otherwise, have been fully paid and satisfied from Tolls collected, repayment of advances, redemption, resumption, or forfeiture, the whole of

After repayment of advances, &c., all Tolls to be paid to contractor for his own use, subject to repairs and outgoings.

A.D. 1862.
—

the Tolls to be thenceforth levied, assessed, and collected under the provisions of this Act, shall be levied, assessed, and collected by and for the benefit of the said Gustavus Blin Wright, his executors, administrators, and assigns, for such portion of the term of five years, from the first day of September, A. D. one thousand eight hundred and sixty-two, as shall then be subsisting and undetermined under any of the provisions and conditions of the said agreement; subject, nevertheless, to the payment thereof by the said Gustavus Blin Wright, his executors, administrators, or assigns, and when and so often as the same shall be required by the said Chief Commissioner, of the costs of all repairs, deviations, inspections, and improvements hereinbefore mentioned or referred to.

Power of redemption.

10. Provided, always, and notwithstanding anything hereinbefore contained, that it shall be lawful for the said Government, at any time within 18 calendar months from the date of this Act, to redeem the said road and the privileges here conferred, or to be conferred, at a price not less than thirty-two thousand pounds sterling, nor greater than forty-two thousand pounds sterling, to be fixed by such one arbitrator as shall be mutually agreed upon by the said Gustavus Blin Wright, his executors, administrators, or assigns, and the said Chief Commissioner of Lands and Works, for the time being, within one calendar month after the publication of any notice, or by order of the said Chief Commissioner of Lands and Works; and in case they cannot agree upon such single arbitrator, or in case from any cause whatsoever, and whether before or after the appointment of such single arbitrator, at any time during the progress of the proposed arbitration, or preliminaries thereto, there shall appear to the said Chief Commissioner to be any delay or difficulty in carrying on the same, then at such price between the said limits as the said Chief Commissioner shall, for the time being, within three calendar months of the said notice, specify by any other notice, such decision to be final in all respects, at Law and in Equity; and the amount or price so finally fixed, less the amount then remaining due and unpaid to the said Government on account of the advances and expenses aforesaid, shall, within two calendar months next after such decision, be paid over by the said Chief Commissioner, upon demand, at the Office of Lands and Works, New Westminster, to the said Gustavus Blin Wright, his executors, administrators, or assigns; and such payment, or in default of such demand, a tender of such sum shall be deemed a discharge in full of all demands by the said Gustavus Blin Wright, his executors, administrators, or assigns; and the loans so guaranteed by Government, and advances then still due from the said Gustavus Blin Wright, his executors, administrators, or assigns, shall then, as between him or them and the said Government, be considered as paid and cancelled, and any liability then connected therewith shall be borne by the said Government.

11. Nothing herein contained shall be construed in any way to entitle the said Gustavus Blin Wright, his executors, administrators, or assigns, to infringe any existing private rights, or any existing or future public rights. A.D. 1862.
Saving of certain
existing and future
rights.

12. Any person, either directly or indirectly, wilfully evading or attempting to evade the payment of any of the Duties or Tolls hereby imposed, shall for every such offence be fined treble the amount of Toll, or any sum not exceeding one hundred pounds, with or without imprisonment, for any term not exceeding three months, at the discretion of the Magistrate. Penalty on evasion
of Tolls.

13. Any penalty under this Act may be recovered before any Magistrate in British Columbia, in a summary way, and such fines shall be paid into the Treasury of the said Colony as part of the General Revenue. How recoverable.

14. Every person liable to the payment of Tolls under the provisions of this Act, shall obtain a Toll Permit from the person to whom such Tolls shall be payable, and who is hereby directed to issue the same, in such forms, subject to the provisions of this Act, as the said Chief Commissioner shall from time to time in that behalf direct. Toll permit.

15. Every such permit shall be produced upon every demand, to any person for the time being authorized under this Act to collect Tolls on any part of the said road, and shall contain a true statement of names of owners, or consignees, and addresses, and destination, number, marks, weights, and contents of every package containing goods or merchandize, liable hereunder to the payment of Toll, and similar particulars, so far as practicable, as to cattle and other dutiable articles. Production of Toll
permit.

16. Every notice under the hand of the Chief Commissioner of Lands and Works for the said Colony for the time being, or other Officer for the time being, appointed in that behalf by the said Governor, and published in the Government Gazette, or in any newspaper circulating in the said Colony, shall, in every case where notice is required under the provisions of this Act, be deemed to be good and sufficient notice for all purposes whatsoever, both at Law and in Equity. Notice.

17. This Act may be cited for all purposes as "The Lillooet-Alexandria Road Toll Act, 1862." Short Title.

No. 38.

A.D. 1862.

See No. 40.

Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

[18th August, 1862.]

WHEREAS under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions, and Ordinances, for the peace, order, and good government of the same :

And whereas petitions have been received from the inhabitants of Lytton, Yale, and the neighbouring Districts, praying for the formation of a Road from Lytton to the Northern Agricultural and Mining Districts of the Colony, and that advances should be made by Government, and Tolls imposed to defray the expense of constructing, maintaining, and improving such a continuous line of communication from Lytton with the interior :

And whereas, by an agreement dated the sixteenth day of August, A.D. one thousand eight hundred and sixty-two, and made between Richard Clement Moody, a Colonel in the Royal Engineers, Chief Commissioner of Lands and Works, acting on behalf of the Government of British Columbia, of the first part, and Charles Oppenheimer and Walter Moberly, of Lytton, in the said Colony, of the other part; the said Charles Oppenheimer and Walter Moberly contracted to construct a certain Waggon Road, from a certain point at or near Lytton, on the Fraser River, along a certain route to a point to be fixed on the same River at or near Alexandria, upon and subject to the several terms, payments, conditions, and stipulations in the said agreement, and hereinafter more particularly set forth; and by the said agreement it was among other things provided that, on the completion of a certain portion of the said waggon road, Tolls should be imposed on goods, chattels, and cattle using any part of the said road in manner hereinafter mentioned, and that during the construction of the said waggon road the said Government should make advances to the said Charles Oppenheimer and Walter Moberly, by way of loan repayable out

of Tolls, and at the rate, in the manner, and subject as in the said agreement is more particularly mentioned :

A.D. 1862.

And whereas the first twelve miles from Lytton of the said road have been duly completed, and the sum of Four thousand pounds has already been paid by the said Richard Clement Moody to the said Charles Oppenheimer and Walter Moberly, on account of advances as aforesaid thereon :

And whereas it is expedient, for the cheaper transport of merchandize and provisions, and for facilitating the operations of commerce, and the development of the country, that such reproductive expenditure should be incurred, and that such proposed road from Lytton to Alexandria should be executed as speedily as possible :

Now know ye, that I do hereby declare, proclaim, and enact as follows :—

1. From and after the first day of September, one thousand eight hundred and sixty-two, there shall be levied, assessed, and collected, from all persons whatsoever, the sums following : (that is to say) for every pound avoirdupois of goods, merchandize, stores, productions, and chattels, other than those belonging to or employed in the service of the Government of British Columbia, taken or carried along (but not across) any part of the said road between Lytton and Alexandria, the sum of one half-penny sterling; and for every head of cattle of every description passing on or along (but not across) any part of the said road, the sum of one shilling sterling.

Creation of Toll of one half-penny per lb. on goods, and one shilling a head on cattle.

2. Provided that such Tolls shall not be demandable on goods, chattels, or cattle simply carried or passing across any part of the said road, or belonging to or employed in the service of the said Government, or bona fide used in the construction of the said road, upon proof satisfactory to the person for the time being collecting the said tolls of such use, or on manure or machinery passing or carried along any part of the said road, or on goods, chattels, or cattle passing or carried along any part of the said road, within a circle of two miles, to be defined by the said Chief Commissioner, around any existing or future town on or immediately adjoining the line of the same road.

Exemptions.

3. Provided, nevertheless, that such goods, chattels, articles, and things not hereinbefore exempted as, from their construction or otherwise, cannot be estimated in weight, shall be subjected to such tolls, to be collected and recoverable with the same penalties as tolls under this Act, as shall from time to time be prescribed by notice in that behalf.

Toll on articles not by weight.

4. Provided, also, that it shall be lawful for the said Chief Commissioner of Lands and Works, by notice at any time or times hereafter, to regulate the weight which shall be allowed on any

Power to Chief Commissioner to regulate weight on carriages and width of tire.

A.D. 1862.

carts, waggons, carriages, or other vehicles using any part of the said road, having regard to the width of the tire, and to regulate the width of the tire to be used on the said road.

Power to reduce and vary Tolls with consent of Contractors.

5. It shall be lawful for the said Chief Commissioner of Lands and Works, with the consent in writing of the said Charles Oppenheimer and Walter Moberly, their executors, administrators, or assigns, until redemption or forfeiture hereinafter referred to, and afterwards without such consent, by any notice from time to time or at any time, to reduce, vary, or re-establish all or any of the said Tolls to any sums not exceeding the said rates, and for such periods as shall for the time being or from time to time be specified in that behalf in any such notice.

Collection of Tolls.

6. Until the lien of the said Government on the said Tolls is fully paid and satisfied, all Tolls levied under the provisions of this Act shall be collected by such person or persons, and with and in such forms and manner, subject to the provisions of this Act, as the Chief Commissioner of Lands and Works for the time being of the said Colony shall from time to time in that behalf direct.

Until repayment of Government advances, three-fourths of Tolls to go to repayment of Government advances.

7. Until the Government lien aforesaid is fully paid and satisfied by the said Charles Oppenheimer and Walter Moberly, their executors, administrators, or assigns, whether by collection of Tolls, repayment of advances, redemption, resumption, or forfeiture, three-fourth parts of all such Tolls, less the cost of collecting the same, shall be retained by the said Chief Commissioner, and paid and applied to and for the uses, and in the manner, in the said agreement of the 16th day of August, A.D. one thousand eight hundred and sixty-two, in that behalf provided.

The remaining one-fourth to be paid to Contractors, &c., subject to payment of outgoings of road.

The remaining one-fourth part of all the said Tolls, less the cost of collecting the same, shall, by the Chief Commissioner of Lands and Works, or his agent, be paid to the said Charles Oppenheimer and Walter Moberly, their executors, administrators, or assigns, by regular monthly payments, on the first day of every month, during the period of five years, from the date hereof, or until the redemption or forfeiture of the said Road and Tolls, under the provisions in that behalf hereinafter contained; subject, nevertheless, to the deduction and expenditure thereof of such portion thereof, for such repairs, deviations, inspections, and improvements of the said road, by the said Charles Oppenheimer and Walter Moberly, their executors, administrators, or assigns, as the Chief Commissioner of Lands and Works, for the time being of the said Colony, shall, from time to time by any writing under his hand, in that behalf direct.

After repayment of advances, &c., all Tolls to be paid to Contractor for his

8. When and so soon as the whole charge of the said Government upon the said Tolls, whether for advances, loans, or otherwise have been fully paid and satisfied from Tolls collected, repayment

of advances, redemption, resumption, or forfeiture, the whole of the Tolls to be thenceforth levied, assessed, and collected under the provisions of this Act, shall be levied, assessed, and collected by and for the benefit of the said Charles Oppenheimer and Walter Moberly, their executors, administrators, and assigns, for such portion of the said term of five years, from the first day of September, A.D. one thousand eight hundred and sixty-two, as shall then be subsisting and undetermined under any of the provisions and conditions of this Act, or of the said agreement of the 16th day of August, A.D. one thousand eight hundred and sixty-two, including the condition for forfeiture in default; subject, nevertheless, to the payment thereout by the said Charles Oppenheimer and Walter Moberly, their executors, administrators, or assigns, and when and so often as the same shall be required by the said Chief Commissioner, of the cost of all repairs, deviations, inspections, and improvements herein mentioned or referred to.

A.D. 1862.

own use, subject to
repairs and out-
goings.

9. Provided, always, and notwithstanding anything hereinbefore contained, that it shall be lawful for the said Government, at any time within two years from the first day of September, A. D. One thousand eight hundred and sixty-two, to redeem the said road and the privileges hereby conferred, or to be conferred, at a price to be fixed by such one arbitrator as shall be mutually agreed upon by the said Charles Oppenheimer and Walter Moberly, their executors, administrators, or assigns, and the said Chief Commissioner of Lands and Works for the time being, within one calendar month after the publication of any notice by the said Chief Commissioner of Lands and Works, and in case they cannot agree upon such single arbitrator, or in case from any cause whatsoever, and whether before or after the appointment of such single arbitrator, at any time during the progress of the proposed arbitration or preliminaries thereto, there shall appear to the said Chief Commissioner to be any delay or difficulty in carrying on the same, then at such price as the said Chief Commissioner shall for the time being, within three calendar months after the said notice, specify by any other notice; such decision to be final in all respects, at Law and in Equity, and the amount or price so fixed, less the amount then remaining due and unpaid to the said Government on account of the advances, loans, and expenses aforesaid, shall, within two calendar months next after such decision, be paid over by the said Chief Commissioner of the said Colony, upon demand at the Office of Lands and Works, New Westminster, to the said Charles Oppenheimer and Walter Moberly, their executors, administrators, or assigns; and such payment, or in default of such demand, a tender of such sum shall be deemed a discharge in full of all demands by the said Charles Oppenheimer and Walter Moberly, their executors, administrators, or assigns, and the loans so guaranteed by Government, and advances then still due from the said Charles Oppen-

Power of redemption.

A.D. 1862.
—

heimer and Walter Moberly, their executors, administrators, or assigns, shall be then considered as paid and cancelled as between him or them and the said Government, and any liability then connected therewith shall be borne by the Government.

Saving of certain rights.

10. Nothing herein contained shall be construed in any way to entitle the said Charles Oppenheimer and Walter Moberly, their executors, administrators, or assigns, to infringe any existing private rights, or any existing or future public rights.

Evasion of Tolls penal.

11. Any person, directly or indirectly, evading or attempting to evade the payment of any of the Duties or Tolls hereby imposed, shall for every such offence be fined treble the amount of Toll, or any sum not exceeding one hundred pounds, with or without imprisonment, for any term not exceeding three months, at the discretion of the Magistrate.

Penalty how recoverable.

12. Any penalty under this Act may be recovered, before any Magistrate in British Columbia, in a summary way, and such fines shall be paid into the Treasury of the said Colony as part of the General Revenue.

Toll permit.

13. Every person liable to the payment of Tolls under the provisions of this Act shall obtain a Toll Permit from the person to whom such Tolls shall be payable, and who is hereby directed to issue the same in such forms as the said Chief Commissioner shall from time to time in that behalf direct.

Production of permit.

14. Every such Permit shall be produced to any person for the time being authorized by the Government to collect Tolls on any part of the said road, and shall contain a true statement of names of owners or consignees, and address, and destination, number, marks, weights, and contents of every package containing goods or merchandize, liable hereunder to the payment of Toll, and similar particulars so far as practicable as to cattle and other dutiable articles.

Notice.

15. Every notice under the hand of the Chief Commissioner of Lands and Works for the said Colony, or other Officer appointed for the time being in that behalf by the said Governor, and published in the Government Gazette, or in any newspaper circulating in the said Colony, shall in every case where notice is required under the provisions of this Act, be deemed to be good and sufficient notice for all purposes whatsoever.

Short Title.

16. This Act may be cited for all purposes as "The Lytton-Alexandria Road Toll Act, 1862."

No. 39.

Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c. A.D. 1862.
Vide Nos. 42, 45, 52, 66, 138.

[22nd August, 1862.]

WHEREAS under and by virtue of an Act of Parliament made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions, and Ordinances, for the peace, order, and good government of the same: 21st & 22nd Vict.

And whereas it is expedient to raise, by loan secured on the General Revenue of the said Colony, funds for the construction and maintenance of roads and other means of communication within the said Colony, and to make provision for the redemption of such loan; and whereas to effect this it is expedient to repeal the "British Columbia Roads Loan Act, 1861," and the "British Columbia Roads Loan Act, 1862," and the "Temporary Loan Act, 1862;"

Now, therefore, I do hereby declare, proclaim, and enact as follows:—

1. The "British Columbia Roads Loan Act, 1861," and the "British Columbia Roads Loan Act, 1862," and the "Temporary Loan Act, 1862," are hereby repealed. *Repeals former Loan Acts.*

2. It shall be lawful for the Governor for the time being of the said Colony, from time to time, or at any time hereafter, to cause to be made out and issued, Debentures secured upon the General Revenue of the said Colony, for such sum or sums, not exceeding Fifty Thousand Pounds Sterling in the whole, as may be required for the purpose of constructing and maintaining roads, and other works of communication within the said Colony. *Power to Governor to borrow £50,000 on Debentures.*

3. All Debentures made out and issued under this Act shall bear interest at the rate of Six Pounds sterling per centum per annum, payable half-yearly, and shall be redeemable at the expiration of ten years, from the first day of January, A. D. 1863. *Rate of interest six per cent. per annum.*

4. Every Debenture shall be for any sum or sums, not less than One hundred pounds sterling, which the said Governor shall deter- *Debentures for £100 and upwards.*

A.D. 1862.

mine, and which, together with the interest thereon, shall be payable in London, at the Offices of Her Majesty's Agents General for the time being for Crown Colonies, or at the Treasury of the said Colony.

Debenture holder
can vary place of
payment.

5. And the holder or bearer of any of the said Debentures may alter the place of payment of the principal and interest to either the Treasury at New Westminster, or the Offices in London of the Agents General, by giving six months previous notice, in writing, terminating on the first day of January, or the first day of July, at the previous place of payment (the Treasury in New Westminster, or the Offices in London of the Agents General aforesaid, as the case may be) of his wish to make such alteration, and causing the Officer in New Westminster, acting as Treasurer for the time being, or the said Agents General in London, as the case may be (who is and are hereby required) to endorse on such Debenture a memorandum of the alteration.

Signatures, and
Registry of Debentures.

6. All Debentures made out and issued under this Act shall be signed by Her Majesty's Agents General for Crown Colonies, on behalf of the Government of British Columbia, and entered in a Register, to be called the Debenture Register, a duplicate whereof shall be kept by the Agents General at the Offices in London, and another duplicate copy thereof by the Auditor of the said Colony, and such Debentures shall be deemed a primary charge upon all the revenues of the said Colony, from whatever source arising; and all interest thereon, and the principal when due, shall be paid by the Treasurer of the said Colony, out of such revenues, under warrant to be issued by the said Governor, in priority of all demands thereon, except the charge and expenses of the collection thereof.

Form, date, num-
bering.

7. The said Debentures shall be in the Form marked A. set forth in the Schedule to this Act, and shall bear date on the day of the issuing thereof, and shall be numbered arithmetically, each beginning with number one, and so proceeding in arithmetical progression ascending, wherein the common excess or difference shall be one.

Interest Coupons.

8. Interest Coupons shall be attached to each Debenture, in the Form marked B. set forth in the Schedule hereto.

Debentures trans-
ferable by delivery.

9. The said Debentures shall be made payable to the bearers thereof, and shall pass by delivery only, and without any assignment or indorsement, and the holder or bearer for the time being, of every such Debenture shall have the same rights and remedies in respect of the same as if he were expressly named therein.

Sale of Debentures.

10. It shall be lawful for the said Governor to authorize the whole or any portion of the said Debentures to be negotiated, contracted for, or sold by the Treasurer or the Agents General for

Crown Colonies, and at such times, in such sums, and in such manner, as the said Governor may direct. A.D. 1862.

11. All moneys raised under this Act shall be paid in such manner as the said Governor shall prescribe, to the Treasurer of British Columbia, and shall by him be placed to the credit of an account to be called the "Roads Loan Account," to be applied to the purposes of surveying, constructing, and maintaining roads and other works of communication within the said Colony, and in or toward the repayment of any sums borrowed, or to be borrowed, and expended in such surveying, construction, or maintenance, and to no other purposes whatsoever; and the said moneys shall be accounted for in the same manner as if they formed part of the current revenue of the said Colony. Payment of Loan.

12. The said Governor shall provide for the redemption of the said Debentures, by authorizing and directing the Treasurer of the said Colony to appropriate, half-yearly, out of the General Revenue of the Colony, such sum as shall be equal to seven and a half per cent. on the total of the principal sum for which Debentures shall from time to time have been issued, and be for the time being outstanding, and after having paid the half-year's interest therefrom, shall invest or cause to be invested the residue thereof as a Sinking Fund for the final extinction of the debt, and shall invest or cause to be invested the dividends, interest, or annual produce arising from such investment, so that the same may accumulate by way of compound interest. Sinking Fund.

13. All sums paid to the account of the Sinking Fund, and all interest or produce arising therefrom, shall be invested under Trustees, in the purchase of Imperial or Colonial Government Securities. The nature of such securities, and the selection of such Trustees, shall be left to Her Majesty's Principal Secretary of State for the Colonies. Investment of Sinking Fund.

14. Provided, nevertheless, that it shall be lawful for the said Governor, from time to time, to authorize the Agents General for the time being for Crown Colonies, or the said Treasurer of the said Colony for the time being, to re-purchase the said Debentures to the amount of such moneys as the said Governor may, by any Proclamation hereafter to be issued and passed by him, or out of the current Revenue of the Colony, appropriate for that purpose, and for the Trustees of the said Sinking Fund to make use thereof, for the purpose of withdrawing Debentures from the market by purchase; and all Debentures so re-purchased shall be forthwith cancelled and destroyed, and no re-issue of Debentures shall be made in consequence of such purchase and destruction. Re-purchase of Debentures.

15. From and after the date of any and every such re-purchase of Debentures as last aforesaid, the amount then payable to the Proportionate reduction of Sinking Fund.

- A.D. 1862.
—
- Sinking Fund shall be, from time to time, reduced in exact proportion to the amount of Debentures for the time being remaining unredeemed, and any moneys remaining in the said Sinking Fund, after the loan hereby sanctioned is fully paid and satisfied, shall be forthwith paid over to the Treasurer, and accounted for as General Revenue.
- Trust moneys. 16. It shall be lawful for any Trustees, Executors, Administrators, or Guardians, having the disposition of any trust moneys, to purchase any such Debentures, by and out of trust moneys; and every such purchase shall be deemed a due investment of such trust moneys.
- Non-recognition of trusts. 17. It shall not be necessary for the said Colonial Treasurer, Agents General, or any other person, acting for or on behalf of the Government of the said Colony, to notice, or regard, or to enquire into the trust to which any Debentures shall be liable, or the rights or authority of any one being the actual holder or bearer of any such Debentures as aforesaid, but payment to the actual holder or bearer thereof, or his lawful agent, shall be deemed in all cases due payment, unless otherwise specially agreed in writing by and under the hand of the Treasurer, Agents General, or other person acting as aforesaid, for the time being entrusted with the sale of such Debentures.
- Forgery felony. 18. Any person who shall forge or alter, or shall utter, or dispose of, or put off, knowing the same to be forged or altered, any Debenture made out and issued under this Act, shall be guilty of felony, and being thereof convicted, shall be imprisoned for any period not exceeding three years, with or without hard labour, at the discretion of the Judge before whom any such person shall be tried and convicted.
- Short Title. 19. This Act may be cited as "The British Columbia Loan Act, 1862."
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SCHEDULE.

A.D. 1862.

FORM. A.



BRITISH COLUMBIA GOVERNMENT DEBENTURE.

No.

£ s. d.

British Columbia Loan Act, 1862, £50,000.

For [*One hundred*] Pounds advanced to the Government of British Columbia, the holder of this Debenture is entitled to receive Interest at the rate of Six per centum per annum, in half-yearly payments, payable at the [*Offices of Her Majesty's Agents General for Crown Colonies, in London, or the Treasury at New Westminster, as the case may be*] on the 1st January and 1st July in each year.

The said sum of [*One Hundred*] Pounds sterling, with the interest thereon, is charged upon and made payable out of the General Revenue of the Colony of British Columbia, as a first charge thereon, under the terms of the British Columbia Loan Act, 1862, and the principal will be repaid [*in London, at the aforesaid Offices, or at the Treasury, New Westminster, as the case may be*] at the expiration of Ten (10) Years from the 1st day of January, 1863.

Signed on behalf of the Government of British Columbia, and in accordance with the provisions of the Act above cited.

Registered, _____ } Agents General for
 _____ } Crown Colonies.

FORM B.

BRITISH COLUMBIA.

No. 1.

Half-year's Interest due [*1st July, 1863,*] on Debenture No. _____, payable at the [*Offices of the Agents General for Crown Colonies, London, or the Treasury at New Westminster, as the case may be*].

£ _____ Agents General.

20 such Coupons, numbered from No. 1 upwards, to be attached to each Debenture Bond.

N. B.—The holder or bearer of this Debenture may alter the place of payment of Principal and Interest, to the Treasury in New Westminster, or the Offices of the Agents General for Crown Colonies in London, by giving Six Months previous notice in writing, terminating on the 1st day of January, or 1st day of July, at the previous place of payment (the Treasury in New Westminster, or the Offices of the Agents General, aforesaid, for Crown Colonies in London, as the case may be) of his wish to make such alteration, and causing the Officer acting as Treasurer in New Westminster, or the said Agents General for Crown Colonies in London, as the case may be, to indorse on this Debenture a memorandum of such alteration.

No. 40.

A.D. 1862.

Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same &c., &c.

[29th September, 1862.]

Preamble.

WHEREAS by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions, and Ordinances, for the peace, order, and good government of the same:

And whereas the Tolls imposed by "The Lytton-Alexandria Road Toll Act, 1862," are evaded by the transport of goods and animals along side trails, and it is expedient to put an end to such evasion:

Now, therefore, I do hereby declare, proclaim, and enact as follows:—

Imposing Tolls upon goods carried along all routes and trails on the Lytton-Alexandria route.

1. From and after the date of this Act, the Tolls leviable under "The Lytton-Alexandria Road Toll Act, 1862," shall be levied, assessed, and collected, from all persons whomsoever, not only upon goods, chattels, merchandize, and cattle passing or carried along any part of the road now in process of construction from Lytton to Alexandria, but shall also be so levied upon all merchandize, stores, productions, chattels, and cattle, of all descriptions, passing, leaving, taken or carried, whether by land or water, from Lytton, in the direction of Alexandria, and levied, assessed, collected, and applied under and subject to the same exceptions, exemptions, provisoes, and stipulations, and in the same manner as is enacted for the assessment, collection, recovery, and application of Tolls and Penalties by the said "Lytton-Alexandria Road Toll Act, 1862."

Definition of the word "cattle."

2. In the construction of this and the last mentioned Act, the word "cattle" shall be deemed to include all animals domitæ naturæ.

Short Title.

3. This Act may be cited as "The Lytton-Alexandria Tolls Act, 1862."

No. 41.

Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice Admiral of the same, &c., &c. A.D. 1862.
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Vide Nos. 31, 36, & 49.

[29th September, 1862.]

WHEREAS under and by virtue of an Act of Parliament, made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions, and Ordinances for the peace, order, and good government of the same: Preamble.

And whereas a requisition has been received from a majority of the Rate-payers resident in the City of New Westminster, praying that authority may be granted to the Municipal Council thereof to raise a Loan or Loans upon the security of the Revenues of the said City:

And whereas it is expedient that such requests should be granted, and the provisions of the "New Westminster Municipal Council Act, 1860," should be amended and extended accordingly:

Now, therefore, I do hereby declare, proclaim, and enact as follows:—

1. So much of Clause 35, of the "New Westminster Municipal Council Act, 1860," as requires the written requisition of a majority of the whole of the Rate-payers on the Assessment Roll of the said City, as necessary to the making of the further rate of £5 in the £100, therein mentioned, is hereby repealed. *Repeal of portion of Clause 35 of "The New Westminster Municipal Council Act, 1860."*

2. In lieu thereof, the requisition to the said Municipal Council in writing, of a majority of such portion of the Rate-payers on the Assessment Roll as shall, at the time of making every or any such requisition, be resident or present within the said City, shall be a good and sufficient requisition for all the purposes mentioned in the said Clause 35 of the said Act. *Requisition to be signed by resident rate-payers only.*

3. It shall be lawful for the Municipal Council, if called on by a special requisition as aforesaid for that purpose, and with the confirmation and consent thereto of the Governor for the time being, *Power to extend the period for collecting further rate authorized by Clause 35 of cited Act, to a period not exceeding five years.*

A.D. 1862.

to extend the time for levying or collecting the further rate authorized by Clause 35 of the Act last above cited, to any period not exceeding five years.

Authority to Council to raise a Loan.

4. It shall be lawful for the Municipal Council of New Westminster, by a By-Law duly passed and confirmed, and after the requisition aforesaid, to borrow, and for all persons to lend, from time to time, any sum or sums of money upon the security of the whole or any part of the general or special revenue of the said City, at such rates of interest, in such form and manner, for such terms, payable and redeemable at such time, and manner, and place, and for such purposes (but connected only with the benefit or improvement of the said City and its approaches) as shall be specially named or referred to in that behalf in the By-Law authorizing any such Loan.

The certificate in writing of the President and Clerk, with the Seal of the Council affixed, sufficient evidence that the requisition has been signed by a majority of Rate-payers.

Wilful error in such certificate a misdemeanor.

Short Title.

5. The certificate, in writing, of the President and the Clerk of the Municipal Council, with the Seal of the said Council attached, shall be sufficient evidence for all purposes, that the requisition so certified has been signed by a majority of the said Rate-payers resident or present as aforesaid.

6. Wilful error or mis-statement in any such certificate shall be deemed a misdemeanor.

7. This Act may be cited for all purposes as the "New Westminster Municipal Extension Act, No. 2."

No. 42.

A.D. 1863.

REPEALED in part
by No. 45.

Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

[13th January, 1863.]

WHEREAS under and by virtue of an Act of Parliament, made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony to make Laws, Institutions, and Ordinances, for the peace, order, and good government of the same:

And whereas a considerable expenditure of money is absolutely necessary to carry on and complete for public use the main routes of

the Colony, now under contract and in process of construction, as well as other reproductive works of communication, urgently required for the development of the resources of this Colony:

A.D. 1863.

And whereas it is expedient that such expenditure should be met by the issue of Bonds to the extent and in manner hereinafter appearing:

Now, therefore, I do hereby declare, proclaim, and enact as follows; that is to say:—

1. It shall be lawful for the Governor for the time being of British Columbia, from time to time, hereafter to issue any number of Bonds in the form set forth in the Schedule hereto, each Bond being for the amount of £50, and bearing interest at the rate of six per cent. per annum, from the period hereinafter in that behalf more particularly appearing.

Creation of 600 £50
6 per cent Bonds.

2. All the said Bonds shall be numbered in a regular series according to the natural numbers, beginning with number one, according to the order in which the same shall be issued.

Numbering.

3. The Bonds numbered 1 to 200, both inclusive, shall be payable on the 31st December, 1863.

Term of Bonds 1 to
200.

4. The Bonds numbered 201 to 532, both inclusive, shall be payable on the 31st December, 1864.

201 to 532.

5. The Bonds numbered 533 to 600, both inclusive, shall be payable on the 31st December, 1865.

533 to 600.

6. The Bonds numbered 1 to 600, both inclusive, shall carry interest from the day in each such Bond in that behalf specially mentioned, although such day shall be previous to the date of this Act.

Interest, how borne.

7. The Treasurer of the said Colony, or other person for the time being acting in that capacity, is hereby ordered and directed to pay the amount of every such Bond, and the interest payable thereon, out of any moneys belonging to the Colony not already appropriated, or appropriable under "The British Columbia Loan Act, 1862," for or to the payment of existing liabilities, and which shall be in his hands at the time when such Bond shall be presented to him for the payment of the principal or interest thereof, in accordance with the provisions of this Act.

Payment out of Gen-
eral Revenue, sub-
ject to B. C. Loan
Act, 1863.

8. The interest due on each of the said Bonds shall be paid half-yearly, upon presentation of the Bond in respect whereof any such interest shall be due, either at the Treasury at New Westminster, in the Colony of British Columbia, or at the Bank of British Columbia, at Victoria, in the Colony of Vancouver Island.

Payment of interest
at B. C., or in V. I.,
half-yearly.

9. No interest shall be carried by any of the said Bonds beyond the day appointed under any of the foregoing provisions for the payment of the principal sum of such Bond.

Cesser of interest.

- A.D. 1863. 10. Immediately upon the full payment of the principal and interest due upon any of the said Bonds, the Colonial Treasurer, or other person acting as aforesaid, shall cancel every such Bond; and no Bond so cancelled shall on any account whatever be re-issued.
- Cancellation of paid up Bonds.
- Mode of accounting for amount of Bonds. 11. The amounts for which any of the said Bonds shall be issued and disposed of, shall be accounted for as if they had been moneys forming part of the current Revenue.
- Schedule. 12. The Schedule hereto shall be deemed and taken as part of this Act.
- Short Title. 13. This Act shall be cited for all purposes as "The Road Bonds Act, 1863."

SCHEDULE.

COLONY OF BRITISH COLUMBIA.

TREASURY BOND.

Under "The Road Bonds Act, 1863." £30,000.

£50.

No.

day of

186 .

Payable 31st December, 186 .

The Government of British Columbia is hereby bound (subject to the provisions of the "British Columbia Loan Act, 1862,") to pay to the bearer hereof, on the 31st day of December, 186 , the sum of Fifty Pounds, together with interest thereon in the meantime from the day of , 186 , after the rate of Six per cent. per annum. The interest becoming due hereon shall be payable in instalments, half-yearly, either at the Treasury, New Westminster, in British Columbia, or at the Bank of British Columbia, at Victoria, Vancouver Island, to the bearer hereof.

Treasurer.

By order of His Excellency the Governor.

Colonial Secretary.

No. 43.

Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

A.D. 1863.

[23rd February, 1863.]

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, and have been authorized by Proclamation issued under the Public Seal of the said Colony, to make Laws, Institutions, and Ordinances, for the peace, order, and good government of the same:

And whereas by a Proclamation duly made and issued under the Great Seal of the Colony of British Columbia, and dated on or about the 18th day of March, 1861, certain remissions in the purchase money of Country Lands in the said Colony purchased for actual settlement, were granted to certain Officers of Her Majesty's Royal Army and Navy in certain cases:

And whereas such remissions were originally calculated upon the basis of the price of such Country Lands being One Pound sterling per acre:

And whereas the price of such Country Lands has been reduced to Four Shillings and Two Pence per acre:

And whereas it is expedient to repeal the said Proclamation, and to provide that the remissions aforesaid should be reduced proportionately with the said reduction in the price of Country Land, and Free Grants of lands substituted for remissions in money:

Now, therefore, I do hereby declare, proclaim, and enact as follows:—

1. The said Proclamation of the 18th day of March, 1861, shall be and is hereby repealed, as from the 1st day of January, A. D. 1863. Repeals former Act.

2. Every Officer who has actually [settled upon Country Lands in the said Colony, under the said Proclamation, and has been duly complying with the requirements thereof, may complete his title to such lands under such Proclamation; or, by a notice in writing under his hand, addressed and delivered to the Chief Commissioner Saving existing rights, with option of making use of the new Act.

A.D. 1863.

What Officers may
take free grants of
lands.

of Lands and Works for the Colony, may obtain title to such lands under this Proclamation, upon such terms as the said Chief Commissioner shall by any Certificate in writing under his hand in that behalf prescribe.

3. From and after the date hereof, Military and Naval Officers in Her Majesty's Service of the rank hereinafter specified, or of the ranks respectively relative thereto, who shall, with the view of actually settling and residing thereon, take up any unoccupied and unsurveyed Country Lands in British Columbia, shall, subject as hereinafter is mentioned, and upon the production of the Certificate hereinafter also mentioned, be entitled without pay, to free grants of such lands in the amounts and in manner following, that is to say:

ACRES.

Field Officers of 25 years service, in the whole.....	600
Field Officers of 20 years service, in the whole.....	500
Field Officers of 15 years service, in the whole.....	400
Captains of 20 years service and upwards, in the whole	400
Captains of 15 years service or less, in the whole	300
Subalterns of 20 years service and upwards, in the whole....	300
Subalterns of 7 years service and upwards, in the whole....	200

Certificate of rank,
service, &c., neces-
sary. Officer must
be on full or staff
pay, or have resign-
ed with purpose of
settling.

4. Every person desiring to take advantage of the privileges accorded by this Act shall, before obtaining any of the same, produce to, and leave with, the Chief Commissioner of Lands and Works for British Columbia, a Certificate from the General Commanding-in-Chief in England, or from the Office of the Lords Commissioners of the Admiralty, showing that the settlement of the said person in a British Colony has been duly sanctioned, and showing also the rank and length of service of such person; but nothing herein contained shall entitle any person to any of the grants aforesaid, except such person shall at the time of actually settling or residing upon, and recording such Country Lands, be either on half-pay or full pay; unless the person settling shall have quitted the service for the purpose of settling in a British Colony.

Such proposing set-
tler shall obtain a
statement of date of
retirement.

5. Every person who shall have so quitted the service for the purpose of settling as aforesaid, shall before being entitled to the privileges afforded by this Act, obtain a statement by the proper authority, to be made in one of the Offices aforesaid, and upon his Certificate aforesaid, of the date of his retirement from the Army or Navy, for the purpose aforesaid.

Presentation of Cer-
tificate.

6. Every Officer who shall have conformed to the regulations aforesaid, shall present his Certificate to the Governor for the time being aforesaid, within one year from the date of his retirement aforesaid; and in default thereof shall cease to be entitled to any of the privileges afforded by this Act.

Governor's Certifi-

7. Provided, always, that every person availing himself of the

privileges of this Act, shall not be entitled to a Grant of the land sought to be acquired under this Act, until he shall have obtained from the Governor for the time being of British Columbia, a Certificate that he has been a bona fide settler in British Columbia for the space of two years, actually resident on the lands sought to be acquired.

A.D. 1863.

cate of bona fide
settlement neces-
sary.

8. Provided, that until such peeson shall have obtained a Grant as aforesaid, he shall be entitled to a Location Ticket, to be issued to him by the Chief Commissioner of Lands and Works for British Columbia.

Location Ticket.

9. Provided, that unless the person holding such Location Ticket shall obtain a Grant of the land in respect of which such Location Ticket shall have been granted, within twelve months from the expiration of the said term of two years, the land in respect of which such Location Ticket shall have been granted, shall absolutely revert to the Crown, and be capable of being sold, pre-empted, or granted, de novo.

Limited time for
demand of grant.

10. Provided, that no Location Ticket shall be granted, or Free Grant made, unless the particular land to be included therein shall have been claimed specifically, within two years from the date of such Certificate from the offices aforesaid.

Specification of
limits.

11. Provided, that the land in respect of which such Free Grant shall have been sought, shall not be transferable, until a Grant thereof, as aforesaid, shall have been made thereof.

No transfer until
grant.

12. Provided, that the Governor for the time being of British Columbia may, in case of the death of the person entitled to the privileges aforesaid, before a grant of the land aforesaid, by any writing under his hand, confer the benefit of the privileges aforesaid to such child, or children, or other relative of the person entitled to such remission, as he may think proper.

Transmission of
privileges on death
of claimant.

13. Provided, that such child, or children, or other relative, shall enjoy the right to such privileges, to the same extent, and subject to the same conditions, as the person dying would have done had he lived.

But upon same con-
dition.

14. Provided, that every Location Ticket and Grant as aforesaid, shall provide for the usual reservation of all public rights.

Reserves public
rights of way, &c.

15. Provided, that no Free Grant of Town or Suburban Lots or Lands in the Colony shall be made under this Act.

Confines free grants
to Country Lands.

16. Provided, also, that every person entitled to avail himself of the privileges of this Act, shall enter into possession and residence upon, and stake out, and record with the nearest Magistrate, the boundaries, plan, position, and particulars of the land in respect of which he seeks to obtain a Free Grant, in the same manner as the Record of a Pre-emption Claim under the Registry Law in that behalf, or as near thereto as may be. All lands, of which Grants

Records of limits
and particulars of
land.

A.D. 1863.

shall be claimed under this Act, shall be taken in one block, and not otherwise.

Short Title.

17. This Act may be cited as the "Military and Naval Settlers' Act, 1863."

No. 44.

A.D. 1863.

Vide No. 32.

Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

[24th February, 1863.]

Preamble.

WHEREAS under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, and have been authorized by Proclamation issued under the Public Seal of the said Colony, to make Laws, Institutions, and Ordinances for the peace, order, and good Government of the same:

And whereas it is of great importance in lessening the freight of goods to the interior, to proceed with the construction of the great routes of communication through the country, and provide funds for carrying on the same successfully by further Tolls on the routes to be benefitted by such reproductive expenditure:

Now, therefore, I do hereby declare, proclaim, and enact as follows:—

Creates additional toll of of 1s. 0½d. for every 50lb weight of goods going by either of the river routes.

1. There shall be levied and paid as and from the first of April, one thousand eight hundred and sixty-three, unto and to the use of Her Majesty, Her heirs and successors, in addition to the duties already leviable under the "Roads' Toll Act, 1860," the further sum of one shilling and one half-penny for every fifty pounds weight avoirdupois of goods, and so in proportion for a greater or less quantity than fifty pounds weight of goods, taken or carried as in the "Roads' Toll Act, 1860," is more particularly mentioned, and leviable by the same persons, with, under, and subject to the same penalties, and otherwise in all respects as duties under the said "Roads' Toll Act, 1860."

Short Title.

II. This Act may be cited for all purposes as the "Roads' Toll Extension Act, 1863."

No. 45.

Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

A.D. 1863.

Vide Nos. 66 & 138.

[14th May 1863.]

WHEREAS under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions, and Ordinances, for the peace, order, and good government of the same :

21st & 22nd Vict.

And whereas it is expedient to raise, by loan secured on the General Revenue of the said Colony, funds for the vigorous prosecution and maintenance of roads and other means of communication within the said Colony, and to make provision for the redemption of such Loan :

Preamble.

And whereas under "The Road Bonds Act, 1863," £50 Bonds, to the amount of £12,000 (and no more) have been issued, numbered, and payable as follows, that is to say:—

Bonds Nos. 1 to 198, both inclusive, payable on 31st December, 1863, amounting to £9,900;

Bonds Nos. 533 to 575, both inclusive, payable on 31st December, 1865, amounting to £2,100.

And whereas it is expedient to repeal the power conferred by the said Road Bonds Act, of issuing other Bonds than those already issued, as hereinbefore specified, and to provide for the payment of the Bonds above mentioned, numbered 1 to 198, and amounting to £9,900, out of the moneys to be raised by the sale of Debentures in manner hereinafter appearing:

Now, therefore, I do hereby declare, proclaim, and enact as follows:—

1. So much of "The Road Bonds Act, 1863," as authorizes the issue of Bonds, other than and beyond those already issued thereunder and hereinbefore specified, is hereby repealed.

Repeals a portion of "The Road Bonds Act, 1863."

2. It shall be lawful for the Governor for the time being of the said Colony, from time to time, or at any time hereafter, to cause

Power to Governor to borrow £50,000 on Debentures.

A.D. 1863.

to be made out and issued, Debentures secured upon the General Revenue of the said Colony, for such sum or sums, not exceeding Fifty Thousand Pounds Sterling in the whole, as may be required for the purpose of constructing and maintaining roads, and other works of communication within the said Colony, and of providing for the repayment of the Road Bonds numbered 1 to 198, inclusive, to the amount of £9,900, as lastly hereinbefore recited.

Rate of interest six
per cent. per annum.

3. All Debentures made out and issued under this Act shall bear interest at the rate of Six Pounds sterling per centum per annum, payable half-yearly, and shall be redeemable at the expiration of twenty years, from the first day of July, A. D. 1863.

Debentures for £100
and upwards.

4. Every Debenture shall be for any sum or sums, not less than One hundred pounds sterling, which the said Governor shall determine, and which, together with the interest thereon, shall be payable in London, at the Offices of Her Majesty's Agents General for the time being for Crown Colonies, or at the Treasury of the said Colony.

Debenture holder
can vary place of
payment.

5. And the holder or bearer of any of the said Debentures may alter the place of payment of the principal and interest to either the Treasury at New Westminster, or the Offices in London of the Agents General, by giving six months previous notice, in writing, terminating on the first day of January, or the first day of July, at the previous place of payment (the Treasury in New Westminster, or the Offices in London of the Agents General aforesaid, as the case may be) of his wish to make such alteration, and causing the Officer in New Westminster acting as Treasurer for the time being, or the said Agents General in London, as the case may be (who is and are hereby required) to endorse on such Debenture a memorandum of the alteration.

Signatures, and
Registry of Deben-
tures.

6. All Debentures made out and issued under this Act shall be signed by Her Majesty's Agents General for Crown Colonies, on behalf of the Government of British Columbia, and entered in a Register, to be called the Debenture Register, a duplicate whereof shall be kept by the Agents General at the Offices in London, and another duplicate copy thereof by the Auditor of the said Colony, and such Debentures shall be deemed a charge upon all the revenues of the said Colony, from whatever source arising, and in order of priority next after the prior charges thereon, already created by the "British Columbia Loan Act, 1862," and by the remaining liabilities as aforesaid, under the said "Road Bonds Act, 1863," that is to say, a sum of £2,100 payable 31st December, 1865, and all interest on such Debentures, and the principal when due, shall be paid by the Treasurer of the said Colony, out of such revenues, under warrant to be issued by the said Governor, in priority of all demands thereon, except the charge and expenses of the collection thereof, and the said prior charges on such revenue

created by the "British Columbia Loan Act, 1862," and by the remaining liabilities, as aforesaid, under the Bonds Act, 1863. A.D. 1863.

7. The said Debentures shall be in the Form marked A. set forth in the Schedule to this Act, and shall bear date on the day of the issuing thereof, and shall be numbered arithmetically, each beginning with number one, and so proceeding in arithmetical progression ascending, wherein the common excess or difference shall be one. Form, date, numbering.

8. Interest Coupons shall be attached to each Debenture, in the Form marked B. set forth in the Schedule hereto. Interest Coupons.

9. The said Debentures shall be made payable to the bearers thereof, and shall pass by delivery only, and without any assignment or endorsement, and the holder or bearer for the time being, of every such Debenture shall have the same rights and remedies in respect of the same as if he were expressly named therein. Debentures transferable by delivery.

10. It shall be lawful for the said Governor to authorize the whole or any portion of the said Debentures to be negotiated, contracted for, or sold by the Treasurer or the Agents General for Crown Colonies, and at such times, in such sums, and in such manner, as the said Governor may direct. Sale of Debentures.

11. All moneys raised under this Act shall be paid in such manner as the said Governor shall prescribe, to the Treasurer of British Columbia, and shall by him be placed to the credit of an account to be called the "Roads Loan No. 2 Account," to be applied to the purposes of surveying, constructing, and maintaining roads and other works of communication within the said Colony, and in or toward the repayment of the Road Bonds to the amount of £9,900 as aforesaid, or of any sums borrowed, or to be borrowed, and expended in such surveying, construction, or maintenance, and to no other purposes whatsoever; and the said moneys shall be accounted for in the same manner as if they formed part of the current revenue of the said Colony. Payments to which Loan is applicable.

12. The said Governor shall provide for the redemption of the said Debentures, by authorizing and directing the Treasurer of the said Colony, subject in the first place to the said "British Columbia Loan Act, 1862," and to the "Road Bonds Act, 1863," to the extent aforesaid, to appropriate, half-yearly, out of the General Revenue of the Colony, such sum as shall be equal to five per cent. on the total of the principal sum for which the said Debentures shall from time to time have been issued, and be for the time being outstanding, and after having paid the half-year's interest therefrom, shall invest or cause to be invested the residue thereof as a Sinking Fund for the final extinction of the debt, and shall invest or cause to be invested the dividends, interest, or annual produce arising from such investment, so that the same may accumulate by way of compound interest. Sinking Fund.

A.D. 1863.

Investment of
Sinking Fund.

13. All sums paid to the account of the Sinking Fund, and all interest or produce arising therefrom, shall be invested under Trustees, in the purchase of Imperial or Colonial Government Securities. The nature of such securities, and the selection of such Trustees, shall be left to Her Majesty's Principal Secretary of State for the Colonies.

Re-purchase of
Debentures.

14. Provided, "nevertheless, that it shall be lawful for the said Governor, from time to time, to authorize the Agents General for the time being for Crown Colonies, or the said Treasurer of the said Colony for the time being, to re-purchase the said Debentures to the amount of such moneys as the said Governor may, by any Proclamation hereafter to be issued and passed by him, or out of the current Revenue of the Colony, appropriate for that purpose, and for the Trustees of the said Sinking Fund to make use thereof, for the purpose of withdrawing Debentures from the market by purchase; and all Debentures so re-purchased shall be forthwith cancelled and destroyed, and no re-issue of Debentures shall be made in consequence of such purchase and destruction.

Proportionate re-
duction of Sinking
Fund.

15. From and after the date of any and every such re-purchase of Debentures as last aforesaid, the amount then payable to the Sinking Fund shall be, from time to time, reduced in exact proportion to the amount of Debentures for the time being remaining unredeemed, and any moneys remaining in the said Sinking Fund, after the loan hereby sanctioned is fully paid and satisfied, shall be forthwith paid over to the Treasurer, and accounted for as General Revenue.

Trust moneys.

16. It shall be lawful for any Trustees, Executors, Administrators, or Guardians, having the disposition of any trust moneys, to purchase any such Debentures, by and out of trust moneys; and every such purchase shall be deemed a due investment of such trust moneys.

Non-recognition of
trusts.

17. It shall not be necessary for the said Colonial Treasurer, Agents General, or any other person, acting for or in behalf of the Government of the said Colony, to notice, or regard, or to enquire into the trust to which any Debentures shall be liable, or the rights or authority of any one being the actual holder or bearer of any such Debentures as aforesaid, but payment to the actual holder or bearer thereof, or his lawful agent, shall be deemed in all cases due payment, unless otherwise specially agreed in writing by and under the hand of the Treasurer, Agents General, or other person acting as aforesaid, for the time being entrusted with the sale of such Debentures.

Forgery felony.

18. Any person who shall forge or alter, or shall utter, or dispose of, or put off, knowing the same to be forged or altered, any Debenture made out and issued under this Act, shall be guilty of

felony, and being thereof convicted, shall be imprisoned for any period not exceeding three years, with or without hard labour, at the discretion of the Judge before whom any such person shall be tried and convicted.

A.D. 1863.

19. This Act may be cited as "The British Columbia Loan Act, Short Title. 1863."

SCHEDULE.

FORM. A.



BRITISH COLUMBIA GOVERNMENT DEBENTURE.

No. _____ £ s. d.
British Columbia Loan Act, 1863, £50,000.

For [*One hundred*] Pounds advanced to the Government of British Columbia, the holder of this Debenture is entitled to receive Interest at the rate of Six per centum per annum, in half-yearly payments, payable at the [*Offices of Her Majesty's Agents General for Crown Colonies, in London, or the Treasury, New Westminster, as the case may be*] on the 1st January and 1st July in each year.

The said sum of [*One Hundred*] Pounds sterling, with the interest thereon, is charged upon and made payable out of the General Revenue of the Colony of British Columbia, under the terms of the British Columbia Loan Act, 1863, and the principal will be repaid [*in London, at the aforesaid Offices, or at the Treasury, New Westminster, as the case may be*] at the expiration of Twenty (20) Years from the 1st day of July, 1863.

Signed on behalf of the Government of British Columbia, and in accordance with the provisions of the Act above cited.

Registered, _____ } *Agents General for*
 _____ } *Crown Colonies.*

FORM B.

BRITISH COLUMBIA.

No.

Half-year's Interest due [*1st January, 1864,*] on Debenture No. _____, payable at the [*Offices of the Agents General for Crown Colonies, London, or the Treasury, New Westminster, as the case may be*].

£ _____ *Agents General.*

40 such Coupons, numbered from No. 1 upwards, to be attached to each Debenture Bond.

N. B.—The holder or bearer of this Debenture may alter the place of pay-

A.D. 1863.
—

ment of Principal and Interest, to the Treasury in New Westminster, or the Offices of the Agents General for Crown Colonies in London, by giving Six Months previous notice in writing, terminating on the 1st day of January, or 1st day of July, at the previous place of payment (the Treasury in New Westminster, or the Offices of the Agents General, aforesaid, for Crown Colonies in London, as the case may be) of his wish to make such alteration, and causing the Officer acting as Treasurer in New Westminster, or the said Agents General for Crown Colonies in London, as the case may be, to indorse on this Debenture a memorandum of such alteration.

No. 46.

A.D. 1863.
—

Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia, and its Dependencies, Vice-Admiral of the same, &c., &c.

[18th May, 1863.]

WHEREAS, under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions, and Ordinances for the peace, order, and good government of the same:

And whereas doubts have arisen, whether the Proclamation made and passed on the 19th day of November, A. D. 1858, imports into the said Colony the Laws in force in England for the proper observance of the Lord's Day:

And whereas for the better observance of the same it is expedient that all such doubts should be removed:

Now, therefore, I do hereby declare, proclaim, and enact as follows:—

Declares English
Sunday Laws in
force here.

1. The Law Statutory and otherwise, and the penalties for the enforcement thereof, as at present existing and in force in England for the proper observance of the Lord's Day commonly called Sunday, as referred to in the Schedule hereto, shall be deemed and taken to have been included in the Proclamation made and passed on the 19th November, A. D. 1858, and to be of full force and effect in the said Colony, with and under the same

penalties, mutatis mutandis in all respects as if the said Laws had been specially mentioned and enacted in the said Proclamation of the 19th day of November, A. D. 1858.

A.D. 1863.

2. The Schedule hereto shall be deemed part of this Act. — Schedule.

3. This Act may be cited as the “Sunday Observance, Act, 1863.” Short Title.

THE SCHEDULE REFERRED TO BY THE FOREGOING ACT.

1. Car. 1, c. 1, so far as the same is applicable to the said Colony.

3. Car. 1, c. 1, Do. Do.

29. Car. 2, c. 7, Do. Do.

So much of 1 and 2 William IV. c. 32, s. 3, as forbids the killing or hunting for game on a Sunday or Christmas Day under a penalty of five pounds and the costs of conviction.

11, and 12, Vict., c. 49, so far as the same is applicable to the said Colony.

13. Vict., c. 23, repealing 27 Hen. 6. c. 5, so far as the same is applicable to the said Colony.

No. 47.

Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

A.D. 1863.

Vide No. 73.

EXTENDED to V. I.
by No. 81.

[18th June, 1863.]

Vide Order of Council of 11th June, 1863.
See Appendix.

WHEREAS under and by virtue of an Act of Parliament made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled “An Act to provide for the Government of British Columbia,” and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions, and Ordinances, for the peace, order, and good government of the same:

A.D. 1863.

And whereas it is expedient to regulate by statute the admission of all persons who shall be allowed or entitled to practise in the Superior Courts of the said Colony, whether Barristers-at-Law, Attorneys, or otherwise:

Now, therefore, I do hereby declare, proclaim, and enact, as follows:—

Discharges Orders
of Court as to ad-
mission.

1. The Sections numbered respectively 5, 6, 7, 8, 9, and 13, and so much of Section 1, as relates to the admission of Barristers, Attorneys, or Solicitors in this Colony, of the Order of the Court of British Columbia, made and signed by Matthew Baillie Begbie, Esquire, Her Majesty's Judge of the said Court, in pursuance of a Proclamation made and passed on the 24th day of December, 1858, are hereby discharged and repealed. Provided, nevertheless, that such repeal shall not be construed in any way to affect the position or right to practise, of any person who at the date of this Act, shall have been duly qualified, admitted, and actually enrolled, and entitled to practise in the Superior Law Courts of the Colony, as a Barrister-at-Law, Attorney, or Solicitor, and shall have continued to be so qualified and enrolled at the time of so practising; but every such admission and enrollment shall have as full force and validity as if this Act had not been passed.

Who may be Bar-
risters.

2. From and after the passing of this Act, every person and no other (except as hereinbefore excepted) may be admitted, enrolled and allowed to practise as a Barrister-at-Law, in the Superior Courts of Law in the Colony, who shall be possessed of the qualification following, viz:

Being a subject of the British Crown, of full age, good conduct and repute.

- (1.) Who shall have been duly called and admitted to practise as a Barrister-at-Law, or Advocate, in any of Her Majesty's Superior Courts (not having merely local jurisdiction) in England, or Ireland; or,
- (2.) who shall have been duly called and admitted to practise as a Barrister-at-Law, in any of the Superior Courts of Law (not having merely local jurisdiction) in any of Her Majesty's Colonies wherein the Common Law of England is the Common Law of the land, and who, if applying after the establishment of examination for admission but not before, shall have passed such examination in the laws and practice of the Colony, as shall be hereafter legally established; or,
- (3.) who shall have been so duly called and admitted to practise as an Advocate in the Court of Session in Scotland; or,
- (4.) who shall have been duly called and admitted to the Degree of Doctor of Civil Law, at any University in England, Scotland, or Ireland; or,

(5.) Who shall have been instructed within the Colony, in the knowledge and practice of Law, and duly qualified to be called to the Bar, under and subject to such regulations as may hereafter be from time to time legally established in that behalf.

A.D. 1863.

3. From and after the passing of this Act, every such person and no other (except as hereinbefore excepted) may be admitted, enrolled, and authorized, and allowed to practise in the Superior Courts of Law of the Colony, as an Attorney or Solicitor, as shall be possessed of the qualification following, viz:

Being a subject of the British Crown, of full age, good conduct, and repute.

(1.) Who shall have been actually and duly enrolled and entitled to practise, as a Solicitor, Attorney, Proctor, or Writer to the Signet, in any of Her Majesty's Superior Courts of Law (not having merely local jurisdiction) in England, Scotland, or Ireland; or,

(2.) Who shall have been actually and duly enrolled, and entitled to practise as a Solicitor or Attorney, in any of Her Majesty's Superior Courts as aforesaid, in any of Her Majesty's Colonies wherein the Common Law of England is the Law of the land, and who if applying after the establishment of examinations for admission, but not before, shall have passed any such examination as shall hereafter be in that behalf legally established; or,

(3.) Who may have been instructed within the Colony in the knowledge and practice of Law, and duly qualified to be enrolled in the Superior Courts of the Colony, as Attorney or Solicitor, under and subject to such regulations as may from time to time hereafter in that behalf be legally established.

4. Provided that no applicant for admission shall be capable of being admitted, enrolled, or allowed to practise, whether as a Barrister at Law, Attorney, or Solicitor, until he shall have first taken and subscribed the oath of allegiance before the Registrar or Deputy Registrar of the Supreme Court of Civil Justice of British Columbia, at New Westminster, and shall have advertised in the Government Gazette at least two calendar months previous, notice of his intention to apply in the next ensuing term thereafter of the Court to which such application is intended to be made, and have delivered in writing to the said Registrar, or Deputy Registrar, his application for such admission, giving therein at full length his name and address, and a statement of his qualification, and shall have also made and subscribed the statutory declaration hereinafter mentioned, and have deposited with such Registrar or Deputy Registrar a Certificate under the hand of at least two duly enrolled

Requisite preliminary to admission.

Oath of allegiance.

Advertisement of intention.

Written application.

Statement of qualification.

Statutory declaration.

- A.D. 1863. and practising Members of the legal profession of the said Colony, immediately before the application for admission, that they believe the applicant is a person of good moral conduct, and shall also have deposited with such Registrar or Deputy Registrar, for at least one calendar month after making such written application, the Certificate following, that is to say:—
- Testimonial of good conduct. Call certificate required.
- If the applicant be a Barrister at Law of England or Ireland, or Advocate in Scotland, as aforesaid, a Certificate under the Seal of any of the Societies or Inns of Court in England, Scotland, or Ireland, duly authorized in that behalf;
- From a Colonial Barrister. If a Colonial Barrister as aforesaid, a Certificate under the Seal of any of the Societies or Inns of Court of such Colony, duly authorized in that behalf, or where none such exists then of the Superior Court or Courts (not having merely local jurisdiction) of such Colony;
- From a Doctor of Civil Law. If a Doctor of Civil Law as aforesaid, a Certificate of the University as aforesaid, where such applicant has taken such degree;
- From an Attorney (Home or Colonial). If an Attorney, Solicitor, or Proctor as aforesaid, a Certificate of the Superior Court or Courts as aforesaid, in England, Scotland, or Ireland, or any such of Her Majesty's Colonies as aforesaid;
- Under the hand of the proper Officer of such Society, Inn of Court, Court or Courts, or University, as the case may be, to the effect that the applicant was at the date thereof on the Books of the said Society, Inn of Court, or University, or on the Roll of such Barristers, Attorneys, Solicitors, Proctors, or Writers to the Signet, of such Court or Courts, as the case may be; and that no application had been made to such Society, Inn of Court, Court or Courts, since his admission therein or enrolment, against such person for misconduct in such his capacity as Barrister at Law, Advocate, Attorney, Solicitor, Proctor, or Writer to the Signet.
- Statutory declaration. 5. Provided, that no such applicant shall be capable of any such admission and enrolment as aforesaid, until he shall have made, and subscribed, and filed with the said Registrar, or Deputy Registrar, a declaration under, and subject to, the provisions and penalties of the Act passed in the fifth and sixth years of the reign of his late Majesty King William the Fourth, chapter sixty-two, to the effect and in the Form marked A. in the Schedule hereto.
- Admission after verification. 6. All documents required under this Act shall be submitted for the approval of the Judge of the said Supreme Court, as to their due compliance with the requirements hereof, and upon such approval, the name of such applicant as aforesaid shall be entered by such Registrar, or Deputy Registrar, on the proper roll, upon payment of the proper fees.

7. The fees to be taken by the said Registrar, or Deputy Registrar, upon the transaction or entry of the several matters and things to be done by him under this Act, shall be such as shall be from time to time made, varied, or presented by any Order of the said Supreme Court. A.D. 1863.
Fees.

8. Nothing herein contained shall be construed to prevent the Judge of the said Supreme Court from exercising the powers and authority usually exercised in England by Judges of the Superior Courts over Attorneys on the roll, or in respect of other the persons practising in such Courts. Saving of judicial authority.

9. Any person knowingly making a false statement in any material point under this Act, or the above cited Act of the fifth and sixth years of the reign of his late Majesty King William the Fourth, chapter sixty-two, shall be liable to the penalties by such last cited Act prescribed; and any person otherwise in any way acting, or practising, in contravention of any of the provisions of this Act, shall also be deemed guilty of a contempt of Court, and punishable accordingly. Penalties on false statement, or other contravention of this Act.

10. The Schedule hereto shall be deemed a part of this Act. Schedule part of Act.

11. This Act may be cited for all purposes as "The Legal Professions Act, 1863." Short Title.

SCHEDULE TO WHICH THE FOREGOING ACT REFERS.

FORM A.

Form of Declaration by Barristers.

[I, A. B., of _____, do solemnly and sincerely declare that I am a Barrister at Law [or Advocate], duly authorized to practise in the Superior Courts (not having merely local jurisdiction) of England [Ireland, Scotland, or Her Majesty's Colony of _____, as the case may be], and that I was called to the Bar by the Honourable Society of _____ [or duly called to the Bar and admitted and enrolled as a Barrister in the _____ Court in the said Colony];

[[Variation for an Attorney or Solicitor :—That I am an Attorney of Her Majesty's _____ Court at Westminster, or Solicitor, Proctor, or Writer to the Signet, as the case may be, and that I was duly admitted and enrolled as an Attorney [or Solicitor, as the case may be] of the said Court at Westminster, [if in one of Her Majesty's Colonies, vary the wording accordingly] on the day of _____]]

And that I am the person named in the Certificate now produced, and that I am a British Subject by birth, [or naturalization, if naturalized state the date], and that I have never since changed or declared the intention of changing my allegiance; and that I am truly qualified to act in the capacity of

A.D. 1863

according to the tenor of my qualification; and that I have never been disqualified, nor done any act whereby or by reason whereof I may be or become disqualified; and that no application or proceeding has ever been taken or commenced against me, in any part of Her Majesty's Dominions, with the object of disqualifying me, or by reason whereof I might have become disqualified from acting as a Barrister [Advocate, Attorney, Solicitor, Proctor, or as the case may be].

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the fifth and sixth years of the Reign of his late Majesty King William the Fourth, chapter 62, intituled "An Act to repeal an Act of the present Session of Parliament, intituled an Act for the more effectual abolition of Oaths and Affirmations taken and made in the various Departments of the State, and to substitute declarations in lieu thereof, and for the more entire and effectual suppression of voluntary and extra judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths."

Signature of Declarant—————

Made and subscribed at _____, this _____ day of _____ A.D.
before me,

Form of Declaration by a Doctor of Civil Law.

I, A. B., of _____, do solemnly and sincerely declare that I am a Doctor of Civil Law of the University of _____, and was duly admitted to that Degree at _____, on the _____ day of _____; and that I am the person named in the Certificate now produced; and that I am a British Subject by birth [or naturalization; if naturalized, state the date]; and that I have never since changed or declared the intention of changing my allegiance; and I make this solemn declaration, &c. [concluding as above].

No. 48.

A.D. 1863.

See No. 52.

Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same &c., &c.

[13th June, 1863.]

WHEREAS by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make

Laws, Institutions, and Ordinances, for the peace, order, and good government of the same:

A.D. 1863.

And whereas by a certain Indenture, dated the 17th day of April, A. D. 1863, and made between Richard Clement Moody, Colonel of Royal Engineers, and Chief Commissioner of Lands and Works for British Columbia, acting on behalf of the Government of British Columbia, of the first part, and William Hood, of Cache Creek, in British Columbia, of the other part, the said William Hood contracted to construct and complete a certain Waggon Road and Works, as described in the said indenture and specifications thereto annexed, and within the time, and on the terms, and subject to the approval therein mentioned, for the price of Twelve thousand seven hundred and eighty-three pounds ten shillings sterling, subject to be increased, under certain contingencies therein mentioned, to Thirteen thousand nine hundred and seventeen pounds and fifteen shillings sterling, payable in British Columbian Bonds, at the following times, and in the following manner, that is to say: by Bonds of the Government of British Columbia, bearing interest at the rate of six per cent. per annum, from the dates of the acceptances of the said Road Works by the said Chief Commissioner; such Bonds to be redeemable in the proportions, time, and manner hereinafter mentioned, and the said payment to be made by such proportional instalments as the said Chief Commissioner should, in his discretion, think fit:

And whereas it is by the same Indenture provided, that one-fifth of the said total amount of Bonds shall be retained until six months after the completion and acceptance of the said Road and Works, or such earlier period as shall be appointed in that behalf by the said Chief Commissioner, for the purposes in the said Indenture mentioned:

Now, therefore, I do hereby declare, proclaim, and enact as follows:—

1. On the production of any and every Certificate of the said Chief Commissioner, stating that any portion of the said works has been executed to the satisfaction of the said Chief Commissioner, and specifying the amount that is due thereon to the Contractor, there may be delivered to the said Chief Commissioner of Lands and Works for the time being, to be applied to payments under the said contract, such a number of Bonds, not exceeding in the whole the total amount before mentioned, in the form set forth in the Schedule hereto, as shall represent at par the amount specified in any such Certificate; each Bond being for the amount of Fifty Pounds, and bearing interest at the rate of six per cent. per annum, from the date of the Certificate of acceptance.

B. C. £50 Bonds up to £13,900 may be delivered to Chief Commissioner to fulfil the contract.

2. At the expiration of six calendar months from the date of the completion, and acceptance by Government, of the whole of the said road and works, or at such earlier period as the said Chief

After specified delay for repairs, balance due may be paid.

A.D. 1863.

Commissioner shall specially certify in writing under his hand in that behalf, and on the production of a certificate of approval and acceptance thereof, signed by the said Chief Commissioner, and stating that the whole of the said works have been executed in accordance with the said contract, there may be delivered to the said William Hood, his executors, and administrators, or assigns, such portion of said recited total (or increased total) amount, as the case may be, of the said Bonds, issuable under this Act, as shall not have been applied or expended by the Government of British Columbia in keeping the said works in repair, under the provisions of the said contract in that behalf contained.

Cesser of interest on
non-presentation of
Bond.

3. Provided, that all interest shall cease to accrue upon any of the said Bonds which shall not have been presented for payment at the Treasury upon the day therein appointed for the redemption thereof.

Numbering.

4. All the said Bonds shall be numbered in a regular series according to the natural numbers, beginning with number one, according to the order in which the same shall be issued.

And classification.

5. The Bonds numbered 1 to 85, both inclusive, shall, subject as hereinafter mentioned, be payable by the Treasurer, with interest, in cash, on the 30th September, A. D. 1864; the Bonds No. 86 to 170, both inclusive, shall, subject as hereinafter mentioned, be payable by the said Treasurer, with interest, in cash, on the 30th day of September, A. D. 1865; the Bonds No. 171 to 255, both inclusive, shall, subject as hereinafter mentioned, be payable by the said Treasurer, with interest, in cash, on the 30th day of September, A. D. 1866; and (if required under the contract) the Bonds numbered 256 to 277, both inclusive, shall, subject as hereinafter mentioned, be payable by the said Treasurer, with interest, in cash, on the 30th day of September, A. D. 1867. All the said Bonds shall be dated as of the days on which the certificates of acceptance to which they refer shall respectively be issued.

Bonds charge on
eneral Revenue,
fter existing special
liabilities.

6. The Treasurer of the said Colony, or other person for the time being acting in that capacity, is hereby ordered and directed to pay the amount of every such Bond, and all interest payable thereon, out of any moneys belonging to the said Colony remaining in his hands, after providing for the existing charges on the public Revenue, by Loans or Bonds already raised or issued, at the time when such Bonds shall be presented to him for the payment of the principal or interest thereof, in accordance with the provisions of this Act. The interest due on each of the said Bonds shall be paid half-yearly, upon presentation of the Bond in respect of which any such interest shall be due, at the Treasury, at New Westminster.

Schedule.

7. The Schedule hereto shall be deemed to be part of this Act.

Short Title.

8. This Act may be cited on all occasions as the "Cook's Ferry and Clinton Road Bond Act, 1863."

A.D. 1863.

SCHEDULE.

COLONY OF BRITISH COLUMBIA.

TREASURY BOND.

Under the "Cook's Ferry and Clinton Road Bonds Act, 1863."

£50.

No.

Dated,

A. D. 186 .

Payable 30th September, 186 .

The Government of British Columbia is hereby bound (subject to the existing charges on the Revenue by Loans and Bonds) to pay to the bearer hereof, on the 30th day of September, 186 , the sum of Fifty Pounds, together with interest thereon in the meantime from the day of , 186 , after the rate of Six per cent. per annum. The interest becoming due hereon shall be payable in instalments, half-yearly, at the Treasury, New Westminster, to the bearer hereof.

Treasurer.

By order of His Excellency the Governor.

Colonial Secretary.

No. 49.

Proclamation by His Excellency JAMES DOUGLAS, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

A.D. 1863.

Vide Nos. 31, 36, & 41.

[24th September, 1863.]

WHEREAS under and by virtue of an Act of Parliament, made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony to make Laws, Institutions, and Ordinances, for the peace, order, and good government of the same :

A.D. 1863.

And whereas a majority of the owners of real property in Blocks V., VI., and VII. of the suburbs of the City of New Westminster, have petitioned that the same be included within the limits of the said City for Municipal purposes:

And whereas it is expedient to grant the prayer of such petition in manner hereinafter appearing:

Now, therefore, I do hereby declare, proclaim, and enact as follows:—

From and after the date of this Act:

Includes Suburban Blocks V., VI., and VII., within the City limits.

1. All that tract of land which includes the several pieces of land on the Official Map of suburbs of the said City of New Westminster, described as Blocks five (V.), six (VI.), and seven (VII.), shall be and are hereby included in the Schedule of “The New Westminster Municipal Council Act, 1860,” and (so far as hereinafter not otherwise expressed) in all respects governed by, and subject to, all and singular the provisions of the Act last above cited, “The New Westminster Municipal Council Extension Act, 1861,” and “The New Westminster Municipal Council Extension Act No. 2,” and the By-Laws and Ordinances made in pursuance thereof respectively, and such tract shall henceforth form an integral part of the said City and Municipality, as if such tract of land had been originally included therein.

Ward number 5.

2. So much of the said tract of suburban land so included, as last aforesaid, as is situate and lying between the South-western boundary line of Dublin Street and the South-western boundary line of Saint Andrew Street shall be and constitute an additional Ward of the said City, under the name of Number Five Ward.

Ward number 6.

3. So much of such said tract of land as is situate and lying between the said South-western boundary line of Saint Andrew Street and the South-western boundary line of Mary Street shall be and constitute an additional Ward of the said City, under the name of Number Six Ward.

Ward number 7.

4. So much of such said tract of land as is situate and lying between the said South-western boundary line of Mary Street and the North-western boundary line of Park Lane, shall be and constitute an additional Ward of the said City, under the name of Number Seven Ward.

N. and S. boundaries.

5. Each of the said Wards shall be bounded by the Northern boundary line of Melbourne Street to the Northward, and by the Queen's Avenue to the Southward.

Creates one additional Councillor to each new Ward.

6. One additional Councillor shall be elected for each of the said additional Wards, in the same manner (save as hereinafter mentioned) and with and subject to the same qualifications, powers, and restrictions as are at present in force with respect to the election of Municipal Councillors of the said City.

7. Provided that the first List of Voters, for each of such additional Wards, shall be made out and notes taken in every such election by the same person, and the same Returning Officer, and the nomination and election shall take place in the same way as is at present prescribed for elections under "The New Westminster Municipal Council Act, 1860."

A.D. 1863.

Elections for remainder of 1863.

Save that the first List of Voters for the new Wards shall be made out by the 30th day of September, 1863, the first nomination shall take place on the 7th day of October, 1863, and the first election on the day following, and each Member elected in accordance with this Act shall be deemed to have been in all respects duly elected a Municipal Councillor of the said City, under "The New Westminster Municipal Council Act, 1860," and shall vacate office on the same day, and be eligible for re-election as if elected on the 7th day of August, 1863.

8. A Supplemental Municipal Tax may be created for the remainder of the Municipal year now current, by the whole Body of Municipal Councillors so increased as aforesaid, and apply to and extend over the tract of land so included in the Municipality as aforesaid, but no further.

Power of taxation for 1863.

And such Tax may be levied, assessed, and collected within and for such time, not exceeding the limits of the financial Municipal year now current, and in such manner as the Municipal Council may in their discretion determine best, with, under, and subject to the same restrictions as to the amount, powers (including the power of sale), penalties, and remedies for collection, as if such Tax had been created in the ordinary time and manner, under the said New Westminster Municipal Council Act, 1860.

Collection thereof.

9. On and after the close of the Municipal year now current, the said tract of land included as aforesaid in the said Municipality, and the said Wards hereinbefore created, shall be for the purposes of taxation representation in the Municipal Council, and all other Municipal purposes whatsoever, be deemed and taken to be part and parcel of the said City of New Westminster, as if such land had been originally included in the Act last above mentioned, and thenceforth be and remain subject to all the Laws and By-Laws for the time being in force and affecting the said Municipality.

In subsequent years the same as other parts of the City.

10. This Act may be cited for all purposes as "The New Westminster Municipal Extension Act, No. 3."

Short Title.

No. 50.

A.D. 1863. Proclamation by His Excellency JAMES DOUGLAS, Companion
 of the Most Honourable Order of the Bath, Governor and
 Commander-in-Chief of British Columbia and its Depen-
 dencies, Vice-Admiral of the same, &c., &c.

Vide Nos. 62 & 180.

[24th September, 1863.]

WHEREAS, under and by virtue of an Act of Parliament, made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, entitled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make Laws, Institutions, and Ordinances, for the peace, order, and good government of the same:

And whereas certain permanent Government Offices in the gift of the Crown, and in the Schedule hereto more particularly mentioned, have been duly created in this Colony, and Officers duly appointed thereto;

And whereas it is expedient to proclaim a permanent Law enabling Her Majesty, Her heirs and successors, out of the General Revenue of the said Colony, to allot salaries to the persons for the time being appointed by Her Majesty, Her heirs or successors, to such offices, at the several rates and in manner herein-after appearing;

Now, therefore, I do hereby declare, proclaim, and enact as follows:—

Power to pay salaries of certain Government Officers out of the Revenue of the Colony.

1. From and after the date of this Act, and at all times hereafter, it shall be lawful for Her Majesty, Her heirs and successors, out of the General Revenue of the Colony of British Columbia, from whatever source arising, to pay, or cause to be paid, the several minimum annual salaries, with the allowances, and to the several persons for the time being appointed as aforesaid, and at the several minimum rates in the Schedule hereto annexed in that behalf more particularly mentioned.

Schedule.

2. The Schedule hereto shall be part of this Act.

Short Title.

3. This Act may be cited on all occasions as the "Crown Officers' Salaries Act, 1863."

A.D. 1863.

SCHEDULE TO WHICH THIS ACT REFERS.

Governor, with a suitable residence properly furnished.....	£3,000
Judge of the Supreme Court of British Columbia.....	£1,200
Colonial Secretary.....	£800
Attorney General, with practice	£500
Treasurer.....	£750
Commissioner of Lands and Surveyor General.....	£800
Collector of Customs.....	£650
Chief Inspector of Police	£500
Registrar General.....	£500

No. 51.

An Ordinance for the construction of a Toll Bridge across Thompson River. A.D. 1864.

[26th February, 1864.] EXTENDED, No. 106.

WHEREAS Thomas Spence hath applied to the Government of British Columbia, for permission to erect a Bridge, at his own expense, upon the Lytton-Alexandria route, across Thompson River, at a point in the vicinity of Cook's Ferry, upon condition of having secured to him certain Tolls upon goods, passengers, vehicles, and animals, to the extent and in manner hereinafter appearing :

Preamble.

And whereas the said Government hath approved of such application :

And whereas it is expedient to afford all proper facilities for the construction of works of communication within the said Colony ;

Be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof :—

1. From and after the due completion by the said Thomas Spence, his executors, administrators, or assigns, certified as hereinafter mentioned, of a substantial wooden Bridge across the Thompson River, within the time and in the manner hereinafter mentioned, it shall be lawful for the said Thomas Spence, his executors, administrators, and assigns, for and during the date of seven years from the date of the certificate of completion hereinafter mentioned, to assess, levy, and collect from all persons whomsoever, by way of Toll, the sums following, that is to say :—

Creates Tolls on
goods & passengers
the Bridge

A.D. 1864

For every 100lbs of goods, merchandize, stores, productions, and chattels, other than those hereinafter excepted, which shall respectively be carried over or across the said Bridge, or over or across the said Thompson River, within a distance of thirteen miles above and ten miles below the said Bridge, the sum of eight pence sterling :

And for every horse, ox, cow, ass, or mule, other than those hereinafter excepted, so as aforesaid crossing or carried, the sum of one shilling per head :

And for every pig, sheep, calf, goat, other than those hereinafter excepted, so taken, crossing, or carried, the sum of sixpence half-penny per head :

For every vehicle (save as hereinafter excepted) drawn by four or more horses or other animals, so taken, crossing, or carried, the sum of four shillings and two pence :

For every vehicle (save as hereinafter excepted) drawn by two or less than four horses, so taken, crossing, or carried, the sum of two shillings and one penny :

For every passenger so crossing or carried over the said Bridge, the sum of one shilling.

Exemptions from
Toll enumerated.

2. Provided, nevertheless, that such Tolls shall not be demanded upon passengers, goods, chattels, vehicles, or animals for the time being belonging to or employed in the service of the Government, or on farm utensils, or farming implements in use upon any farm within 15 statute miles of the said Bridge, or on lumber or manure, or on machinery for steamboat purposes, or on passengers' personal baggage not exceeding fifty pounds weight for each passenger on horseback or in a vehicle, or on ordinary miners' packs or personal baggage of the weight aforesaid, carried or borne by passengers respectively using, taken, or carried along or over the said Bridge, or passing (within the said distance of from ten miles below to thirteen miles above) such Bridge across the said Thompson River.

Tolls not to commence until completion of Bridge.

3. Provided, also, that none of the said Tolls shall be demandable unless and until the Commissioner of Lands and Surveyor General for British-Columbia, or other Officer duly appointed or authorized in that capacity or behalf, by the Governor or other Officer for the time being administering the Government of the said Colony, shall have given to the said Thomas Spence, his executors, administrators, or assigns, a Certificate under his hand that the said Bridge has been, and its approaches, duly and satisfactorily completed in all respects for public traffic.

Certificate of completion.

4. Any such Certificate shall state that the said Bridge and its approaches have been duly completed, at the point, within the time, in the substantial manner, fit for public traffic, according to the specifications and plans, and subject to, and under, and in compli-

ance with the directions, and in all respects to the satisfaction from time to time of the said Commissioner of Lands and Surveyor General, or other Officer appointed or authorized as aforesaid in that behalf for the time being, on the part of the Government.

A.D. 1864.

5. Provided, also, that the tolls, privileges, and remedies on the part of the Government, and under or by virtue of this Act accorded are conferred upon this express condition, that on any failure of the said Thomas Spence, his executors, administrators, and assigns, during said term (except while prevented by inevitable accident or repairs) well and substantially to maintain and keep the said Bridge and its approaches in perfect order and thorough repair, to the satisfaction of such Commissioner of Lands and Surveyor General, or other Officer for the time being appointed as aforesaid, and in compliance with any requisition from him from time to time in that behalf. Then upon notice to that effect, and any default of the said Thomas Spence, his executors, administrators, and assigns, for one calendar month thereafter, to comply with the requirements of such notice (of which default such Commissioner of Lands and Surveyor General, or other Officer as aforesaid, shall be sole judge, any rule of law or equity to the contrary notwithstanding), then all and singular such Tolls, privileges, powers, &c. so acquired as aforesaid, and the said Bridge and all improvements thereto, shall ipso facto be forfeited, and revert to the use of Her Majesty, Her heirs and successors absolutely, and such moneys, less the cost of collection, shall be deemed and accounted for as part of the Public Revenue, and the powers, remedies, and privileges herein contained shall thereupon be exercised by and on behalf of Her said Majesty, Her heirs and successors.

Conditions of grant.

6. None of the said Tolls shall be demandable whenever, during the said term, the said Bridge and its approaches as aforesaid, or any part thereof respectively, whether from accident or otherwise, shall in the opinion of such Commissioner, or other Officer, expressed in a notice, be in a condition unfit or dangerous to public traffic.

Tolls to cease while Bridge out of repair.

7. It shall be lawful for such Commissioner, or other Officer as aforesaid, at any time or times during the said term, whenever the state of the traffic along the Lytton-Alexandria route, passing at or near the point where the said Bridge shall be constructed shall require it, to order such improvements to be made in such Bridge or approaches, at the expense of the said Thomas Spence, his executors, administrators, and assigns, as shall be necessary for the accomodation of such traffic.

Necessary improvements may be ordered.

8. It shall be lawful for the said Commissioner, or other Officer as aforesaid, by notice, from time to time to make such regulations

Regulation of traffic.

A.D. 1864.

for the safety of the traffic across the said Bridge, or the said Bridge and its approaches, as he shall deem expedient.

Saving of Crown
rights and other
rights.

9. Nothing herein contained shall be construed so as to limit or abridge the prerogative rights of Her Majesty, Her heirs and successors in respect of the said Bridge, or any rights of Ferry or Ferriage Tolls across Thompson River, or (beyond the specific provisions of this Act) to entitle the said Thomas Spence, or any other persons whomsoever, to infringe any existing private rights, or any existing or future public rights.

Evasion of Toll, pe-
nalty.

10. Any person, directly or indirectly, evading or attempting to evade the payment of any of the Duties or Tolls hereby imposed, shall for every such offence be fined treble the amount of Toll, or any sum not exceeding one hundred pounds, and with or without imprisonment, for any term not exceeding three calendar months, at the discretion of the Magistrate convicting.

Penalty on breaches
of Bridge Regula-
tions.

11. Any person wilfully infringing any regulation authorized by Clause 8, shall, for each such offence, be liable to a fine of not exceeding ten pounds, and with or without imprisonment, for any term not exceeding seven days, at the discretion of the Magistrate convicting.

Penalties how re-
coverable.

12. Any penalty under this Act may be recovered before any Magistrate in British Columbia, in a summary way, and any fines levied hereunder shall be paid to the use of the person or persons entitled for the time being to receive the said Tolls.

Notice.

13. Every notice required, or authorized by this Act to be given, shall mean a notice in writing, under the hand of the said Commissioner of Lands and Surveyor General, or other Officer appointed or authorized as aforesaid, and affixed to some conspicuous part of the said Bridge or approaches, and every such notice shall be good and sufficient notice, for all the purposes whatsoever of all matters and things therein contained, to all persons therein mentioned or referred to.

Short Title.

14. This Ordinance may be cited for all purposes as "The Thompson Bridge Toll Act, 1864."

No. 52.

An Ordinance to authorize a Loan of £100,000.

A.D. 1864.

[10th March, 1864.]

Vide Nos. 66 & 138.

WHEREAS great and lasting benefit has been derived in British Columbia, from the expenditure incurred in the construction of roads and other public works in the Colony:

And whereas it is expedient to raise a further sum for the survey, construction, and maintenance of such public works, by means of a Loan, secured on the General Revenue of the said Colony, in manner hereinafter appearing:

And whereas the following Loans are chargeable upon the General Revenue of the said Colony, in order and amount as follows, that is to say:—

1st—Under “The British Columbia Loan Act, 1862,” terminating 1st Januray, 1873, the sum of £50,000, less the amount paid by the Colony toward the Sinking Fund thereof;

2nd—Under “The British Columbia Loan Act, 1863,” terminating 1st July, 1883, the sum of £50,000, less the amount paid as aforesaid towards the Sinking Fund thereof;

3rd—Under the “Cook’s Ferry and Clinton Road Bond Act, 1863,” the sum of £12,750, payable as follows:—

£50 Bonds, Nos. 1 to 85, both inclusive, due 30th September, 1864;

£50 Bonds, Nos. 86 to 170, both inclusive, due 30th September, 1865;

£50 Bonds, Nos. 171 to 255, both inclusive, due 30th September, 1866:

Be it therefore enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall be lawful for the Governor for the time being of the said Colony, from time to time, or at any time hereafter, to cause to be made out and issued, Debentures secured upon the General Revenue of the said Colony, for such sum or sums, not exceeding One Hundred Thousand Pounds in the whole, as may be required for the purpose of surveying, constructing, and maintaining roads, bridges, and other public works within the said Colony.

Power to Governor
to borrow £100,000
on Debentures.

2. All Debentures made out and issued under this Act shall bear interest at the rate of Six Pounds sterling per centum per annum, payable half-yearly, and shall be redeemable at the expiration of thirty years, from the first day of April, A. D. 1864.

Rate of interest six
per cent. per annum.

A.D. 1864.

Debentures for £100
and upwards.

Debenture holder
can vary place of
payment.

Signature, and
Registry of Debentures.

Form, date, num-
bering.

Interest Coupons.

Debentures trans-
ferable by delivery.

3. Every Debenture shall be for any sum or sums, not less than One hundred pounds sterling, which the said Governor shall determine, and which, together with the interest thereon, shall be payable in London, at the Office of the Crown Agents for the time being for the Colonies, or at the Treasury of the said Colony. And the holder or bearer of any of the said Debentures may alter the place of payment of the principal and interest to either the Treasury at New Westminster, or the Offices in London of the said Crown Agents, by giving six months previous notice, in writing, terminating on the first day of April, or the first day of October, at the previous place of payment (the Treasury in New Westminster, or at the Offices in London of the Agents aforesaid, as the case may be) of his wish to make such alteration, and causing the Officer in New Westminster acting as Treasurer for the time being, or the said Crown Agents in London, as the case may be (who is and are hereby required) to endorse on such Debenture a memorandum of the alteration.

4. All Debentures made out and issued under this Act shall be signed by the Crown Agents for the Colonies, on behalf of the Government of British Columbia, and entered in a Register, to be called the Debenture Register, a duplicate whereof shall be kept by the Crown Agents at the Offices in London, and another duplicate copy thereof by the Auditor of the said Colony; and such Debentures shall be deemed a charge upon all the revenues of the said Colony, from whatever source arising, and in order of priority next after the prior charges thereon, already created by "The British Columbia Loan Act, 1862," "The British Columbia Loan Act, 1863," and the "Cook's Ferry and Clinton Road Bond Act, 1863;" and all interest on such Debentures, and the principal when due, shall be paid by the Treasurer of the said Colony, out of such revenues, under warrant to be issued by the said Governor, in priority of all demands thereon, except the charge and expenses of the collection thereof, and the said prior charges on such revenue created by "The British Columbia Loan Act, 1862," and by "The British Columbia Loan Act, 1863," and the "Cook's Ferry and Clinton Road Bond Act, 1863."

5. The said Debentures shall be in the Form marked A. set forth in the Schedule to this Act, and shall bear date on the day of the issuing thereof, and shall be numbered arithmetically, beginning with number one, and so proceeding in arithmetical progression ascending, wherein the common excess or difference shall be one.

6. Interest Coupons shall be attached to each Debenture, in Form marked B. set forth in the Schedule hereto.

7. The said Debentures shall be made payable to the bearers thereof, and shall pass by delivery only, and without any assignment or endorsement, and the holder or bearer for the time being, of

every such Debenture shall have the same rights and remedies in respect of the same as if he were expressly named therein. A.D. 1864.

8. It shall be lawful for the said Governor to authorize the whole or any portion of the said Debentures to be negotiated, contracted for, or sold by the Treasurer or the Crown Agents for the Colonies, and at such times, in such sums, and in such manner, as the said Governor may direct. Sale of Debentures.

9. All moneys raised under this Act shall be paid in such manner as the said Governor shall prescribe, to the Treasurer of British Columbia, and shall by him be placed to the credit of an account to be called the "Roads Loan No. 3 Account," to be applied to the purposes of surveying, constructing and maintaining roads, bridges, and other public works within the said Colony, or of any sums borrowed, or to be borrowed, and expended in such surveying, construction, or maintenance, and to no other purposes whatsoever; and the said moneys shall be accounted for in the same manner as if they formed part of the current revenue of the said Colony. Payments to which Loan is applicable.

10. The said Governor shall provide for the redemption of the said Debentures, by authorizing and directing the Treasurer of the said Colony, subject in the first place to the said "British Columbia Loan Act, 1862," "The British Columbia Loan Act, 1863," and the "Cook's Ferry and Clinton Road Bond Act, 1863," to the extent aforesaid, to appropriate, half-yearly, out of the General Revenue of the Colony, such sum as shall be equal to four and one-eighth per cent. on the total of the principal sum for which the said Debentures shall from time to time have been issued, and be for the time being outstanding, and after having paid the half-year's interest therefrom, shall invest or cause to be invested the residue thereof as a Sinking Fund for the final extinction of the debt, and shall invest or cause to be invested the dividends, interest, or annual produce arising from such investment, so that the same may accumulate by way of compound interest. Sinking Fund.

11. All sums paid to the account of the Sinking Fund, and all interest or produce arising therefrom, shall be invested under Trustees, in the purchase of Imperial or Colonial Government Securities. The nature of such securities, and the selection of the Trustees, shall be left to Her Majesty's Principal Secretary of State for the Colonies. Investment of Sinking Fund.

12. Provided, nevertheless, that it shall be lawful for the said Governor, from time to time, to authorize the Crown Agents for the time being for the Colonies, or the said Treasurer of the said Colony for the time being, to re-purchase the said Debentures to the amount of such moneys as the said Governor, by and with the advice and consent of the Legislative Council of British Columbia may, by any Ordinance hereafter to be issued and passed Re-purchase of Debentures.

A.D. 1864.

by him, by and with the advice and consent as aforesaid, or out of the current Revenue of the Colony, appropriate for that purpose, and for the Trustees of the said Sinking Fund to make use thereof, for the purpose of withdrawing Debentures from the market by purchase; and all Debentures so re-purchased shall be forthwith cancelled and destroyed, and no re-issue of Debentures shall be made in consequence of such purchase and destruction.

Proportionate reduction of Sinking Fund.

13. From and after the date of any and every such re-purchase of Debentures as last aforesaid, the amount then payable to the Sinking Fund shall be, from time to time, reduced in exact proportion to the amount of Debentures for the time being remaining unredeemed, and any moneys remaining in the said Sinking Fund, after the loan hereby sanctioned is fully paid and satisfied, shall be forthwith paid over to the Treasurer, and accounted [for as General Revenue.

Trust moneys.

14. It shall be lawful for any Trustees, Executors, Administrators, or Guardians, having the disposition of any trust moneys, to purchase any such Debentures, by and out of trust moneys; and every such purchase shall be deemed a due investment of such trust money.

Non-recognition of trusts, except in special cases.

15. It shall not be necessary for the said Colonial Treasurer, Crown Agents, or any other person, acting for or in behalf of the Government of the said Colony, to notice, or regard, or to enquire into any trust to which any Debentures shall be liable, or the rights or authority of any one being the actual holder or bearer of any such Debentures as aforesaid, but payment to the actual holder or bearer thereof, or his lawful agent, shall be deemed in all cases due payment, unless otherwise specially agreed in writing by and under the hand of the Treasurer, Crown Agents, or other person acting as aforesaid, for the time being entrusted with the sale of such Debentures.

Forgery felony.

16. Any person who shall forge or alter, or shall utter, or dispose of, or put off, knowing the same to be forged or altered, any Debenture made out and issued under this Act, shall be guilty of felony, and being thereof convicted, shall be imprisoned for any period not exceeding three years, with or without hard labour, at the discretion of the Judge before whom any such person shall be tried and convicted.

Short Title.

17. This Ordinance may be cited as "The British Columbia Loan Act, 1864."

A.D. 1863.

SCHEDULE.

FORM. A.

BRITISH COLUMBIA GOVERNMENT DEBENTURE.

No. _____ £ s. d.
British Columbia Loan Act, 1864, £100,000.

For [*One hundred*] Pounds advanced to the Government of British Columbia, the holder of this Debenture is entitled to receive Interest at the rate of Six per centum per annum, in half-yearly payments, payable at the [*Offices of the Crown Agents for the Colonies, in London, or at the Treasury, New Westminster, as the case may be*] on the 1st April and 1st October in each year.

The said sum of [*One Hundred*] Pounds sterling, with interest thereon, is charged upon and made payable out of the General Revenue of the Colony of British Columbia, under the terms of the British Columbia Loan Act, 1864, and the principal will be repaid [*in London, at the aforesaid Offices, or at the Treasury, New Westminster, as the case may be*] at the expiration of Thirty (30) Years from the 1st day of April, 1864.

Signed on behalf of the Government of British Columbia, and in accordance with the provisions of the Act above cited.

Registered, _____ } *Agents General for*
 _____ } *Crown Colonies.*

FORM B.

BRITISH COLUMBIA.

No.

Half-year's Interest due [*1st October, 1865,*] on Debenture No. _____, payable at the [*Offices of the Crown Agents for the Colonies, London, or the Treasury, New Westminster, as the case may be*].

£ _____ *Agents General.*

60 such Coupons, numbered from No. 1 upwards, to be attached to each Debenture Bond.

N. B.—The holders or bearers of this Debenture may alter the place of payment of Principal and Interest, to the Treasury, New Westminster, or the Offices of the Crown Agents for the Colonies in London, by giving Six Months previous notice in writing, terminating on the 1st day of April and 1st day of October, at the previous place of payment (the Treasury in New Westminster, or the Offices of the Crown Agents, aforesaid, for Crown Colonies in London, as the case may be) of his wish to make such alteration, and causing the Officer acting as Treasurer in New Westminster, or the said Crown Agents for the Colonies in London, as the case may be, to endorse on this Debenture a memorandum of such alteration.

No. 53.

A.D. 1864.

An Ordinance to encourage the construction of a Telegraph Line, connecting British Columbia with the Telegraph Lines of the United States, and for other purposes.

So much of Sections 5 and 6 as renders privileges exclusive, repealed by No. 55.

[10th March, 1864.]

Preamble.

WHEREAS the California State Telegraph Company, a Company duly Incorporated pursuant to the Laws of the State of California, one of the United States of America, and having its principal office in the City of San Francisco, has constructed lines of Telegraph, extending through the said State and the adjoining States and Territories, and connecting with the Telegraph systems of the Atlantic States and of the British Provinces of North America; and whereas the President of the said California State Telegraph Company has been authorized, by a resolution of the Board of Directors to represent the said Company and to bind the same in all matters and things connected with the extension and construction of its Telegraph lines from California northward; and whereas it is expedient to enable the said Company to extend its Telegraph lines to New Westminster, in the Colony of British Columbia, with a view of increasing the facilities of the said Colony for communication with the rest of British North America and the Pacific and Atlantic States of the United States:

Be it therefore enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:—

Privileges granted to California State Telegraph Company on public lands.

1. The privilege is hereby granted to the President of the California State Telegraph Company, and to his successors in office, or assigns, to construct and place a line or lines of Telegraph over any public or tidal lands, and along or across any public street or highway (not obstructing such street or highway), and to lay down a Telegraph cable or cables through or across any stream, creek, river, strait, bay, gulf, water, or water course within the Colony of British Columbia and its Dependencies, (but so as not to impede navigation or other public rights), and to own, use, enjoy, and employ the same for the period of twenty-five years from the passage of this Act.

May run line of Telegraph through private property on obtaining consent of owner.

2. The said President of the California State Telegraph Company, and his successors or assigns, are hereby also authorized to construct and place a line or lines of Telegraph over any private lands, upon obtaining the written consent of the owners thereof.

Right to Company to purchase right of way over private land.

3. Notwithstanding any Law or Statute to the contrary, the California State Telegraph Company, or the President thereof for

the time being, may purchase or lease the right of way over any private lands, and may, with the sanction in writing of the Commissioner of Lands and Surveyor General, purchase or lease any land or other property in British Columbia, necessary or convenient for the working of the Telegraph lines herein provided for, or for effectually carrying on the business of the said Company, and the grants or leases therefor may be made directly to the said Company, or to the said President and his successors or assigns, and that no such grant or lease shall be deemed invalid or less binding by reason of being so made.

A.D. 1864.

4. This Act is passed and the rights and privileges herein mentioned are granted, upon the express condition that the said President of the said Company, his successors or assigns, shall, within five months from the date of the passage of this Act, commence the work, and, within the further period of thirteen months, shall cause to be completed and put in operation, a line of Telegraph from the City of New Westminster, in the said Colony, so as to connect directly or indirectly with the existing lines of the California State Telegraph Company, so as to place and placing the said City of New Westminster in Telegraphic communication with the United States and the Canadas; and on failure so to complete the said line within the time in this Section specified, the privileges herein granted shall cease and determine, and this Act shall become absolutely void.

Telegraph to be commenced within 5 months.

Telegraph communication in thirteen months, or Act void.

5. Upon the completion of the said Telegraph line, hereinbefore in the preceding Section particularly mentioned and described, within the time and in the manner therein specified, there is hereby granted to the President of the California State Telegraph Company, his successors and assigns, the exclusive right of sending and receiving messages by Telegraph between any place within the said Colony, and any other place beyond the limits thereof and within the Territory of the United States of America, lying westerly of the Rocky Mountains, for the period of twenty years from and after the completion of the said Telegraph line; but this Act shall not be construed to prevent, or in any manner interfere with, the projected or any other line or lines of Telegraph across the Continent through British North America or elsewhere, nor to limit the right of any other Person, Corporation, or Company freely to establish and work any other Telegraph lines any where within or from the said Colony: Provided, however, that other lines shall not be constructed, or offices established within the limits of the said Colony and its Dependencies, so as to do business by Telegraph either directly or indirectly between or through any place within the said Colony, and any other place outside thereof, and being within that portion of the Territory of the United States in this Section hereinbefore described, nor so as to impair the rights hereinbefore mentioned.

Exclusive right of sending & receiving messages granted to California State Telegraph Company for 20 years.

This right not to interfere with Telegraph running through Canada and British Columbia.

A.D. 1864

Rights forfeited if
Telegraph line
ceases working for
one calendar month.

6. If at any time, after the completion of the said Telegraph line, the owners thereof shall fail, (unless prevented by repairs, storms, breakage of cable, or other unavoidable accidents), for the continuous period of one calendar month, to keep the same or some other Telegraph line in working order, between New Westminster and the said State of California, the exclusive privileges herein granted may thereupon be declared forfeited by the Governor of British Columbia for the time being; provided that should such failure be caused by war, no such forfeiture shall be incurred thereby.

Charges to be made
for Telegraph mes-
sages.

7. The prices charged for the transmission of messages to and from New Westminster, over the lines herein authorized to be constructed, to any station thereon in Washington Territory or Vancouver Island, shall not exceed, if paid in gold or silver coin, four shillings and two pence for each ten words, and messages to and from this Colony, passing over any lines owned or worked by or under the control of the California State Telegraph Company, situate outside of the said Colony, shall not be charged higher rates therefor than the lowest uniform rates of charge on such lines for local business, nor shall messages between New Westminster and San Francisco, if paid in gold and silver coin, ever be charged more than one pound and sixpence for ten words.

Rights hereby grant-
ed, how assignable.

8. The rights and privileges hereby granted may be assigned by the President of the State Telegraph Company, or his successors, to the California State Telegraph Company, by that name or other their lawful name for the time being, upon their registration and incorporation as a Joint Stock Company, under the law in that behalf in force in this Colony, and thereafter such Company may sue and be sued in the Courts of this Colony, in like manner as Companies duly incorporated therein.

Penalty for dama-
ging or obstructing
Telegraph.

9. If any person shall wilfully or maliciously cut, break, or throw down any telegraph pole, or any tree or other material used in any Telegraph line herein authorized to be constructed, or shall wilfully or maliciously break, displace, or injure any insulator in use in any such Telegraph line, or shall wilfully or maliciously cut, break, or remove from its insulators any wire used as a Telegraph line, or shall wilfully or maliciously break, molest, or injure any submarine cable used or intended to be used in any such Telegraph line, or shall, by the attachment of a ground wire, or by any other contrivance, wilfully destroy the insulation of such Telegraph line, or interrupt the transmission of the electric current through the same, or shall in any other manner wilfully destroy, injure, or molest any property or materials appertaining to any such Telegraph line, or shall wilfully interfere with the use of any such Telegraph line, or obstruct or postpone the transmission of any message over the same, or procure or advise any such injury, interference, or obstruction, the person so offending shall be deemed guilty of a misde-

meanor, and be liable to conviction before any Justice or Justices of the Peace, and shall be punished by fine not to exceed one hundred pounds, or imprisonment not to exceed six months, or by both such fine and imprisonment, at the discretion of the said Justice or Justices; and shall moreover be liable to the owners of the said Telegraph line for three times the amount of all loss and damage sustained by reason of such wrongful act.

A.D. 1864.

10. The principal office of the California State Telegraph Company within this Colony, shall be situated in the City of New Westminster, and the service of any writ or paper upon the person in charge of the said office shall be deemed a sufficient service upon the said Company.

Principal office in British Columbia at New Westminster.

11. The wire, submarine cables, and materials necessary for the construction of the said Telegraph lines, shall be admitted free, at any port of entry in British Columbia, for a period not exceeding two years from the date of this Act.

Plant free of Customs Duty for two years.

12. This Ordinance may be cited for all purposes as the "First Short Title. Telegraph Act, 1864."

No. 54.

An Ordinance to encourage the construction of a line of Telegraph, connecting the Telegraphs of British Columbia with the Telegraph lines of Russia, the United States, and other Countries, and for other purposes.

A.D. 1865.

Vide No. 63.

[21st February, 1865.]

WHEREAS Perry Macdonough Collins, a citizen of the United States of North America, has obtained from the Governments of Russia and the United States, the right to make and maintain a line of Electric Telegraph through their respective Territories:

Preamble.

And whereas Her Majesty's Government desires cordially to co-operate with the United States and Russia, in the establishment and maintenance of such continuous line of International Telegraph:

Be it therefore enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. From and after the date of this Ordinance, it shall be lawful for the said Perry Macdonough Collins, his associates and assigns, to survey and, the consent of the Government of British Columbia having been first obtained to the general direction so chosen there-

Grants power to make Telegraph,

A.D. 1865.

Over unappropriated Crown Lands,

Public streets, or highways,

Waters.

Power to erect stations and defensive posts.

When Government may take possession thereof.

Grants use of unappropriated Crown Lands,

And of any wood, lime, stone, sand, &c.

No right of soil conveyed.

Saving of Crown rights.

for, construct and maintain a line or lines of Telegraph, from any point or points on the line of the said proposed International Telegraph in Russian America, to any point or points on the said line in the United States, over or across any unappropriated and unoccupied Crown or tidal lands in the said Colony of British Columbia and its Dependencies, and along or across any public street or highway therein (not obstructing such street or highway), and to lay down a telegraph cable or cables along the said proposed line, through or across any stream, creek, river, strait, bay, gulf, water, or water course, within the said Colony of British Columbia, and its Dependencies (but so as not thereby to impede navigation or other public rights), and, with the consent aforesaid, to have and to hold all such other rights of way, in connection with the said Telegraph line, over the lands aforesaid as are necessary for its construction and maintenance.

2. There is hereby granted to the said Perry Macdonough Collins, his associates and assigns, the power to make and erect all stations, block-houses, and defensive posts, which may, in the opinion of the said Government, be necessary for the proper use or defence of the said International Telegraph line against Native tribes within the said Colony or its Dependencies.

Provided that it shall be lawful for the Government of British Columbia, in case of any emergency arising, sufficient in the opinion of the said Government to warrant such action, to take possession of and freely use any such block-houses or defensive posts.

3. And it shall be further lawful for the said Perry Macdonough Collins, his associates, and assigns, for the purpose of establishing and maintaining such line, and without compensation, to use so much of the unappropriated Crown Lands in the Colony, not reserved for Indians, as may be necessary for such Stations, so long only as the same may be used for the said purpose; with full power to the said Perry Macdonough Collins, his associates and assigns, without compensation, to take from such part or parts of the said unappropriated Crown Lands, in the neighbourhood of the line, as the said Government shall from time to time indicate in that behalf, any wood, timber, stone, sand, and lime, for the purpose of making any buildings or works necessary, in or for the construction, maintenance, repair, or due working of such Telegraph, or the stations or defensive posts thereof.

4. Provided, that this grant shall convey a right of use of the said land for the purpose aforesaid, and not a right to the soil, which shall remain vested in the Crown.

Provided, also, that nothing herein contained shall be construed to affect, limit, or abridge the jurisdiction or prerogative rights of the Queen, Her heirs or successors, over the said lands, or Her or their right of using, selling, or otherwise disposing thereof, as far

as the same may be done without interfering with the construction or working of the said line.

A.D. 1865.

5. The said Perry Macdonough Collins, his associates and assigns, are hereby also authorized to place, construct, and maintain a line or lines of Telegraph in the direction, so to be settled as aforesaid, of the said proposed International Telegraph, over any private lands in the said Colony or its Dependencies, upon the payment of a reasonable compensation therefor; and may, with the sanction in writing of the Chief Commissioner of Lands and Surveyor General, purchase or lease, fence in and occupy any cultivable land or other property in British Columbia, necessary or convenient for stations, or for the maintenance, repair, or working of the International Telegraphic line herein provided for, or for effectually carrying on the telegraphic business in connection therewith, but not further or otherwise.

Power to construct
Telegraph over private
lands.

6. This Ordinance is passed, and the rights and privileges herein mentioned are, subject as herein mentioned, granted to the said Perry Macdonough Collins, his associates and assigns, for the term commencing from the date hereof, until the expiration of thirty-three years, from the first day of January, A. D. one thousand eight hundred and seventy; nevertheless, upon and subject to all and singular the express conditions following, that is to say:—

Term of Grant to be
from passage of this
Ordinance to A. D.
1903.

(a.) That the said Perry Macdonough Collins, his associates and assigns, shall, on or before the first day of January, A. D. one thousand eight hundred and sixty-seven, effectually commence the operations necessary for the construction and maintenance of the works of the said International Telegraph line, in manner herein provided for.

To commence by 1st
January, 1867.

(b.) And shall, on or before the first day of January, A. D. one thousand eight hundred and seventy, complete, or cause to be thoroughly completed, and put into continuous operation, a continuous line or lines of Telegraph, the direction of which shall be settled by the said Perry Macdonough Collins, his associates or assigns, subject to the written approval of the Chief Commissioner of Lands and Surveyor General, from the City of New Westminster, in the said Colony, so as to connect directly with the existing Telegraph systems of the United States on the South, and the Telegraph system of Russia on the North, along the line of the Pacific Coast, so as to place and maintain the said City of New Westminster and the British Columbia system of Telegraphs in complete and continuous telegraphic communication with the whole telegraphic systems of the United States and Russia, and all other countries whose telegraphic systems are or may be hereafter brought into connection with any of those countries or places, respectively.

To complete by 1st
of January, 1870.

A.D. 1865.

To construct all necessary stations, defensive posts, &c.

To keep up constant telegraphic communication, save when prevented by accident.

Government messages to have precedence in the Colony.

English, Russian, and United States messages to be on an equal footing.

Forfeiture in default of performing conditions.

Rights of grantees as to sending messages.

Charges.

(c.) And upon this further condition, also, that he and they shall and will at his and their own expense, and within the time, and with the concurrence, and in the manner, and subject to the conditions aforesaid, place, construct, erect, and hereafter maintain all stations, block-houses, and defensive posts, and other works requisite for the due maintenance and regular working of the said proposed line.

(d.) And upon this further condition, that the said Perry Macdonough Collins, his associates or assigns, after the said completion and, setting in operation of the said line, shall not fail (unless prevented by repairs, storms, breakages of cables or other unavoidable accident) for any continuous period of one calendar month during the said term, to keep the said through International Telegraph line in working order and open for public use, between New Westminster and the said United States, to the eastern coasts thereof, and Russia, and the other lines in connection with the said International line.

(e.) And upon this further condition that all despatches and messages that shall be sent by or on behalf of Her Majesty's Government, and the Government of British Columbia, shall have precedence over all other despatches whatsoever along the said proposed International line within the said Colony and its Dependencies.

(f.) And upon this further special and express condition, that the general arrangements of the said Telegraph throughout the said International line from end to end, and in whichever hemisphere, and of all such other lines as may be or come in connection therewith, shall be such as to place English, Russian, and United States messages upon an equal footing, in regard to the use of the said International Telegraph.

7. On failure of the said Perry Macdonough Collins, his associates or assigns, effectually to commence and complete the portion of the said International line contained within the said Colony and its Dependencies, within the respective times, and in manner herein mentioned, and to fulfil and keep all and singular the conditions in this Ordinance specified, the powers, rights, and privileges hereby granted shall cease and determine, and this Ordinance become absolutely void.

8. Upon the completion of the said International Telegraph line, hereinbefore more particularly mentioned and described, within the time and manner, and subject to the several conditions in this Ordinance specified, there is hereby granted to the said Perry Macdonough Collins, his associates and assigns, the right of sending and receiving messages by Telegraph, and making a reasonable charge for the same, subject as herein mentioned, between any place

within the said Colony, and to and from Russia, and the United States, or any other Countries or place beyond the limits thereof respectively, for the period of thirty-three years, from and after the said first day of January, A. D. One thousand eight hundred and seventy.

A.D. 1865.
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9. This Ordinance shall not be construed to prevent, or in any manner interfere with any other line or lines of Telegraph whatever, nor to limit the right of any Person, Corporation, or Company fully to establish and work any other Telegraph line or lines anywhere within, to, or from the said Colony, either in or not in connection with the said International line.

No exclusive rights granted.

10. The Government of British Columbia shall at all times have the right to connect the said line or lines by Telegraph with any Military or Civil posts of Her Majesty's Government, and to use the same for Government purposes.

Government may connect civil and military posts with the Telegraph.

11. Subject to the right of prior use by the Government as aforesaid, the said line or lines shall be at all times open to the public, and to any Telegraph Company, upon the payment of the regular charges for transmission of despatches, and (save as aforesaid) all despatches received, shall be transmitted over the said line or lines in the order of their reception at any Telegraph Office connected with the said line; and the answers to the said despatches shall be delivered as may be directed by the senders.

Subject to the priority of Government the line to be open to the public.

12. The rate of charges for public or private messages on the line or lines, shall not exceed the average usual rates in Europe and North America for the same service, or such rates as shall be ascertained and fixed by a convention between Great Britain, Russia, and the United States.

Limitation of rate of charges.

13. The Company to be formed by the said Perry Macdonough Collins, his associates or assigns, to carry on the undertaking hereby authorized, shall be duly registered and incorporated as a Joint Stock Company, under the laws of the Colony in that behalf, upon or before the effective commencement of the said Telegraph works.

The Company to be registered.

14. If any person shall wilfully or maliciously cut, break, or throw down any telegraph pole, or any tree or other material used in any Telegraph line or lines herein authorized to be constructed, or shall wilfully or maliciously break, displace, or injure any insulator in use in any such Telegraph line, or shall wilfully or maliciously cut, break, or remove from its insulators any wire used as a Telegraph line, or shall wilfully or maliciously cut, break, molest, or injure any submarine cable used or intended to be used in any such Telegraph line, or shall, by the attachment of a ground wire, or by any other contrivance, wilfully destroy the insulation of such Telegraph line, or interrupt the transmission of the electric current through the same, or shall in any other manner wilfully destroy, injure, or molest any

Malicious injury to Telegraph a misdemeanor.

A.D. 1865.

How punished.

property or materials appertaining to any such Telegraph line, or shall wilfully interfere with the use of any such Telegraph line, or obstruct or postpone the transmission of any message over the same, or procure or advise any such injury, interference, or obstruction, the person so offending shall be deemed guilty of a misdemeanor, and be liable upon conviction before any Justice or Justices of the Peace, for every such offence, to be punished by fine not to exceed one hundred pounds, or imprisonment not to exceed six months, or by both such fine and imprisonment, in the discretion of the said Justice or Justices; and shall moreover be liable to the owners of the said Telegraph line for three times the amount of all loss and damage sustained by reason of such wrongful act.

Telegraph materials admitted duty free.

15. Subject to the due observance by the said Perry Macdonough Collins, his associates or assigns, of the conditions and provisions of this Ordinance, the wire, submarine cables, and materials necessary and bona fide intended for the construction, maintenance, or repair of the said Telegraph line or lines (of which the Collector of Customs, or Officer deputed by him in that behalf, shall be final and sole judge) shall be admitted free of duty, at any port of entry in British Columbia, up to the 1st day of January, A.D. one thousand eight hundred and seventy.

Special Ports of Entry may be appointed.

16. To facilitate the operations of the said Perry Macdonough Collins, his associates and assigns, in the International work aforesaid, it shall be lawful for the Government, by any order published in the Government Gazette, to appoint any port or ports, place or places in the said Colony or its Dependencies, for the entry, duty free, of the wire, submarine cables, and materials mentioned in the preceding clause, and to allot ample and exclusive room there for storing the same, but with, under, and subject to such precautions and restrictions for the protection of the Revenue as the said Government may from time to time deem expedient.

Short Title.

17. This Ordinance shall be cited as "The International Telegraph Ordinance, 1865."

No. 55.

A.D. 1865.

An Ordinance to amend the "First Telegraph Ordinance, 1864."

[22nd February, 1865.]

Preamble.

WHEREAS it is contrary to the policy of Her Majesty's Government to grant exclusive Telegraphic privileges:

And whereas such privileges have been granted by the Legislature of this Colony, under the "First Telegraph Ordinance, 1864,"

to the President of the California State Telegraph Company, his successors and assigns : A.D. 1865.

Be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows :—

1. So much of Clauses 5 and 6 of the “First Telegraph Ordinance, 1864,” as renders, or may be construed to render, exclusive any of the Telegraphic privileges by that Ordinance conferred on the said President, his successors and assigns, shall be and is hereby repealed. Repeals monopoly granted to California State Telegraph Company.

Provided that the powers and privileges by that Ordinance conferred shall not in any way be prejudiced or affected save as to such exclusiveness. Saving of other privileges.

2. This Ordinance shall be cited as the “Telegraph Amendment Ordinance, 1865.” Short Title.

No. 56.

An Ordinance to amend the Dues leviable at the Port of New Westminster. A.D. 1865.

[18th March, 1865.]

WHEREAS it is expedient to alter the rate of Dues at present leviable on Sailing Vessels, above thirty tons, at the Port of New Westminster: Preamble.

Be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:

1. So much of the Proclamation of the 15th June, 1859, as requires the payment of three pence per ton on Sailing Vessels, is hereby repealed. In lieu thereof, from and after the passing of this Ordinance, there shall be assessed, levied, and collected at the Port of New Westminster, in the Colony of British Columbia, for the use of Her Majesty, Her heirs and successors, as and for Entrance and Clearance Fees on all Sailing Ships or Vessels of above thirty tons register, either entering or leaving the said Port, two pence per ton register. Port Dues on Sailing Vessels reduced to 2d. per ton.

2. Such Dues shall be Duties of Customs, and collected, managed, levied, and enforced in the manner by the said Proclamation prescribed. Port Dues, Duties of Customs.

3. This Ordinance shall be cited as “The Harbour Dues Amendment Ordinance, 1865.” Short Title.

No. 57.

A.D. 1865.

An Ordinance for the formation and regulation of Municipalities in British Columbia.

[22nd March, 1865.]

Preamble.

WHEREAS the creation of Municipal Institutions would be productive of great local improvements in the several Towns of the Colony, and it is expedient to promote the same:

Be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:

The Governor may grant Municipal Institutions.

1. It shall be lawful for the Governor, on the petition of, in his opinion, a sufficient proportion of the residents in any Town or place in the Colony, praying for Municipal Institutions, to grant the same by Charter under the Great Seal of the Colony.

Powers of Governor.

2. In every such Charter the Governor may

- (a.) Define the limits of such Borough or Municipality, and
- (b.) Its subdivision into Wards;
- (c.) Provide for the Election of Borough Officers, their qualifications, duties, term and change of Office;
- (d.) And for Meetings of all kinds;
- (e.) The qualification of Voters or Burgesses at the Election of such Officers;
- (f.) Confer such corporate powers, with or without limitation, and with or without the right of suing and being sued in a Corporate name, or the name of an Officer, and with a Common Seal, and with the right of holding land for strictly Municipal purposes;
- (g.) Provide for raising, by By-Law, a Municipal Revenue, by taxes and rates leviable on the property within the Borough bounds, and by Municipal fines and penalties for breach of local regulations. Provided that in such case the Charter shall fix a definite, clear, and not excessive limit to any such taxation, and to any borrowing power thereby conferred, and specify the Municipal objects to which alone the same may be applied;
- (h.) And for the passage and enforcement of By-Laws, for the prevention of fires, the supply of light and water, the abatement of nuisances, for internal improvements and works of all kinds, for social and sanitary objects, and any other local purposes connected with such Borough.

Provided that every such By-Law passed in accordance with such Charter, shall not be contrary to law, and may be repealed or varied

as in such Charter may be prescribed; and every such By-Law for the time being in force shall have the force of law, and be enforceable as law in any Court in the Colony.

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3. Every such Charter shall contain a provision reserving power to the Governor, with the consent of such parties resident in a Borough established under this Ordinance, as shall be prescribed by the Charter creating the same, from time to time to alter, vary, or accept a surrender of the Charter of any such Borough, and grant a new Charter with similar formalities.

Charters how to be altered.

4. And a further provision for the cessation of each such Charter whenever a general Municipal law, applicable to the whole Colony, shall be duly established in lieu thereof.

Cessation of Charters.

5. And such other further and provisions as to the Governor shall seem meet and just in the premises.

General provisions.

6. This Ordinance shall be cited as "The Borough Ordinance, 1865."

Short Title.

No. 58.

An Ordinance to exempt certain articles from Road and Ferry Tolls, and for other purposes.

A.D. 1865.

[7th April, 1865.]

AMENDED by Nos. 149 & 164.

WHEREAS it is expedient to exempt Agricultural Produce of home growth from Road Tolls, and also to facilitate the construction of the International Telegraph, by exempting articles used therein from Road Tolls for a limited period:

Preamble.

Be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. From and after the passing of this Ordinance, all wheat, beans, peas, oats, barley, and grain of all kinds, hay, roots, vegetables, and other agricultural produce in an unprepared state, the growth of the Colony of British Columbia, shall be exempt from liability to any Road or Ferry Tolls in the Colony, payable and paid to the use of Her Majesty, Her Heirs and successors.

Frees produce of home growth from Government Road and Ferry Tolls.

2. But such exemption shall not be construed to extend to any animal or carriage carrying or drawing a load of the articles so exempted, and when any such load shall exceed one hundred pounds avoirdupois in weight, double the ordinary toll shall be demandable and paid upon every such animal or carriage.

Carriages and animals not exempt.

3. All stores and materials which shall be bona fide used in the

Frees International

- A.D. 1865. construction of the International Overland Telegraph, and for the consumption of the persons engaged in such construction, but not otherwise, shall be allowed to pass over the Roads or Ferries in the Colony, which pay tolls to the use of Her Majesty, without paying any such Road or Ferry Toll.
- Telegraph stores from Road and Ferry Tolls.
- Such concession when to terminate. 4. Provided that on and after the completion of the International Telegraph line in British Columbia, or sooner determination of the privileges granted by "The International Telegraph Ordinance, 1865," such exemption from Tolls shall cease.
- Governor may fix, limit, and vary such exemptions. 5. Provided also that it shall be lawful for the Governor, by any order published in the Government Gazette, from time to time to fix, limit, and vary the extent to which such exemption shall be carried, and the mode in which the same shall be checked for the protection of the Revenue.
- Tolls how collected. 6. The Tolls payable under Clause 2 shall be demandable, paid, and recovered as Tolls under the respective authorities creating the same.
- Short Title. 7. This Ordinance shall be cited as "The Tolls Exemption Ordinance, 1865."

No. 59.

A.D. 1865. An Ordinance to amend the Law relating to Bankruptcy and Insolvency in British Columbia.

[10th April, 1865.]

Preamble.

WHEREAS it is expedient to amend the Laws relating to Bankruptcy and Insolvency in British Columbia:

Be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:

Existing Bankruptcy Law still in force subject hereto.

1. The Laws of Bankruptcy and Insolvency now existing in this Colony, shall continue in force within the Colony, subject to the provisions of this Ordinance.

As to the Court of Bankruptcy and the Judges thereof.

Jurisdiction of Supreme Court in Bankruptcy.

2. The Supreme Court of Civil Justice acting as a Court of Bankruptcy, shall have and exercise, for the purposes of this Ordinance, all the jurisdiction, powers, and authorities of the Superior Courts of Law and Equity in Bankruptcy, and all the jurisdiction, powers, and authorities now possessed by the said Supreme Court, acting as the Court for the relief of Insolvent Debtors.

3. The Judge of every County Court shall have and exercise, within his respective District, the like jurisdiction, powers, and authorities, and perform the same duties for and in respect of all matters and things coming before such County Court by virtue of this Ordinance, as are hereby vested in the Supreme Court of Civil Justice of British Columbia acting in Bankruptcy, subject, nevertheless, to the provisions and limitations hereinafter mentioned.

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—
Jurisdiction of
County Courts in
Bankruptcy.

As to the Officers of the Court.

4. In every County Court exercising jurisdiction under this Ordinance, all bills of costs, charges, fees and disbursements aforesaid, shall (except when such Court shall otherwise direct) be taxed and settled by the Judges of such Court, subject to the review of the Supreme Court. It shall be lawful for the Judge of any County Court to refer any such bills, or any question thereon, to the Taxing Master.

Costs in any Court
of Bankruptcy tax-
able by such Court.

Review of County
Court costs.

5. The Judges of the said Courts shall sit at Chambers for the dispatch of such part of the business of their Courts as can, without detriment to the public advantage arising from the discussion of questions in open Court, be heard in Chambers, and when sitting at Chambers they shall, in all respects, have like power and jurisdiction as when sitting in Court.

Sittings in Cham-
bers.

6. The Judge of every County Court shall have power to make adjudication of Bankruptcy, to receive the surrender of any Bankrupt, to grant protection, to pass the last examination of any Bankrupt in cases wherein the Assignees and Creditors do not oppose, to hold and preside at meetings of Creditors, to audit and pass accounts of Assignees, and to sit in Chambers and dispatch there such part of the administrative business of the Court, and such uncontested matters as shall be defined in General Orders, or as the Judge in the Supreme Court, in any particular matter, shall direct; but nothing herein contained shall empower a Judge of the County Court to commit or to hear a disputed adjudication, or any question of the allowance or suspension of an Order of Discharge. The County Court Judge may adjourn any matter coming before him, for the consideration of the Judge of the Supreme Court.

Powers of County
Court in Bank-
ruptcy.

7. Any party shall, during the proceedings before a County Court Judge, or such County Court Judge himself shall be at liberty to take the opinion of the Judge of the Supreme Court, upon any point or matter arising in the course of such proceedings, or upon the result of such proceedings, which shall be stated by the County Court Judge, in the shape of a short certificate to the Judge of the Supreme Court, who shall sign the same, if he approve thereof; and such certificate, so signed, shall be binding on all the parties to the proceedings, but every such certificate may be discharged or varied by such Judge of the Supreme Court, at Chambers, or in open Court.

Appeal from County
Court to Supreme
Court.

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Attendance of witnesses.

8. Parties and witnesses summoned before the Judges of the said Courts sitting in Bankruptcy, shall be bound to attend in pursuance of such summons, and shall be liable to process of contempt in like manner as parties and witnesses are now liable thereto in case of default in attendance under any Writ of Subpœna; and all persons wilfully and corruptly swearing, or affirming falsely, before any such Judge, shall be liable to all the penalties, punishments, and consequences of perjury.

Examination of witnesses.

9. If any person examined before a Judge or Court sitting in Bankruptcy shall refuse or decline to answer, or to swear to, or sign his examination when taken, such Judge or Court shall have power to order the person so acting to pay the costs thereby occasioned, if such person shall be compellable by Law to answer such question or to sign such examination.

Reference by special case from County Court to Supreme Court.

10. In any Bankruptcy or other proceeding within the jurisdiction of a County Court, the parties concerned or submitting to such jurisdiction may at any stage of the proceedings, by consent, state any question or questions in special case for the opinion of the Supreme Court of Civil Justice, and the judgment of such Court shall be final, unless it be agreed and stated in such special case that either party may appeal.

Effect thereof.

11. The parties may, if they think fit, agree that upon the question or questions raised by such special case being fully decided, a sum of money fixed by the parties, or to be ascertained by the Court, or in such manner as the Court may direct, or any property or the amount of any disputed debt or claim, shall be paid, delivered, or transferred by one of such parties to the other of them either with or without costs.

Power to summon Jury.

12. It shall be lawful for the Judge of the Supreme Court of Civil Justice, to direct any question of fact to be tried and determined before himself, by the verdict of a special or common jury, to be summoned in the usual manner.

Appeals.

Appeal.

13. Every decision or order of any County Court Judge, acting under this Ordinance, shall be subject to appeal to the Supreme Court.

Mode of bringing forward.

14. Such appeal shall be brought on by way of petition, motion, or special case. On the hearing thereof no new evidence shall be received without leave of the Judge of the said Supreme Court; and if such appeal shall not be presented within twenty-eight days from the date of the decision or order complained of, or within such further time as the Court below shall in any case allow, then such decision or order shall be final. The order made on such appeal shall be final, except in those cases where an amount of £300 or more is involved, in which case an appeal shall lie to the Privy Council.

15. On the hearing of any appeal, the Judge of the Supreme Court may exercise any part of his original jurisdiction, and may, if he think fit, direct that the case or matter in which the order appealed from was made, be removed from the County Court of that district, either wholly or in part, and be thenceforth prosecuted in the Supreme Court, or in such County Court as he shall think fit.

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Power of Supreme Court Judge on appeal.

The Persons subject to this Ordinance.

16. All Debtors, whether traders or not, shall be subject to the provisions of this Ordinance, but no Debtor who is not a trader shall be adjudged Bankrupt, except in respect of one of the acts of Bankruptcy hereinafter described as applicable to a non-trader, and proof of assets to the amount of One hundred and fifty pounds shall no longer be required from any Debtor.

Abolishes the difference between Bankruptcy and Insolvency.

Acts of Bankruptcy.

17. If any person, not being a trader, shall, with intent to defeat or delay his Creditors, depart this Colony, or being out of this Colony shall with such intent remain abroad, or shall with such intent make any fraudulent conveyance, gift, delivery, or transfer of his real or personal estate, or any part thereof respectively, such person shall be deemed to have thereby committed an act of Bankruptcy. Provided, always, that before any adjudication in Bankruptcy shall be made against the Debtor under this Section, the following rules shall be observed:—

Acts of Bankruptcy.

- (a.) A copy of the petition for adjudication shall be served personally on the Debtor, either within the jurisdiction, or in such place or country, or within such limits abroad, as the Court shall upon application for that purpose direct:
- (b.) Such copy of petition shall have endorsed thereon a memorandum, in a form to be settled by a General Order, specifying the time within which the Debtor is to appear on such petition; and such time shall, when the service is to be made abroad, be the time which the Court shall think reasonable, having regard to the place or country where the service is to be made:
- (c.) In no case shall the time for appearance be less than thirty days after service:
- (d.) If such personal service has not been effected, the Court must be satisfied that every reasonable effort was made to effect the same, and that the attempts to serve such petition came to the knowledge of the Debtor and were defeated by his conduct:
- (e.) If, at the expiration of the time limited for appearance, the Court shall on the hearing of such petition be satisfied that an act of Bankruptcy has been committed, within the meaning of this Section, it may adjudge such Debtor to be a Bankrupt:

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(f.) A declaration in writing of Insolvency by a non-trader, in the same manner as by a trader, shall be deemed to be an act of Bankruptcy on the part of such non-trader.

Filing declaration of
Insolvency act of
Bankruptcy.

18. The filing of a declaration of Insolvency by any person in the County Court, shall have the same effect as in like cases filed in the Supreme Court.

Execution for judg-
ment over £50 an
act of Bankruptcy.

19. If any execution shall be levied by seizure and sale of any goods and chattels of any trader Debtor, upon any judgment recovered in any action, personal, for the recovery of any debt or money demand exceeding fifty pounds, every such Debtor shall be deemed to have committed an act of Bankruptcy from the date of the seizure of such goods and chattels. Provided, always, that unless in the meantime a petition for adjudication of Bankruptcy against the Debtor be presented, the Sheriff or other Officer making the levy shall proceed with the execution, and shall at the end of seven days after the sale pay over the proceeds, or so much as ought to be paid, to the execution Creditor, who shall be entitled thereto notwithstanding such an act of Bankruptcy, unless the Debtor be adjudged a Bankrupt within fourteen days from the date of the seizure, in which case the money so received by the Creditor shall be paid by him to the Assignee under the Bankruptcy, but the Sheriff or other Officer shall not incur any liability by reason of anything done by him as aforesaid. Provided, also, that in case of Bankruptcy, the costs and expenses of such action and execution shall be retained and paid out of the proceeds of the sale, and the balance only after such payment be paid to the Assignee.

Sale under every
such execution only
by public auction.

20. Whenever the goods and chattels of a Debtor are sold under an execution upon any judgment recovered in any action or suit brought for the recovery of a debt, money, demand, or damages against any Debtor exceeding fifty pounds, such goods and chattels shall in all cases, unless the Court shall otherwise direct, be sold by the Sheriff by Public Auction, and not by bill of sale or private contract, and such sale shall be publicly advertised by the Sheriff on and during three days next preceding the day of sale.

Adjudication in any
British possession
an act of Bank-
ruptcy.

21. The filing of a petition by or against a Debtor, whether a trader or not, in any Court having jurisdiction for the relief of Insolvent Debtors in Insolvency or Bankruptcy in any of Her Majesty's Dominions, Colonies, or Dependencies, and the adjudication of an act of Insolvency or Bankruptcy on such petition shall, for the purposes of this Ordinance, be accounted and adjudged conclusive evidence of an act of Bankruptcy, committed by such Debtor at the time of filing such petition, or of the filing the petition on which the adjudication of an act of Insolvency or Bankruptcy shall have been made; and any Creditor or Creditors of such Debtor, whose debt or debts shall be of sufficient amount to enable

him or them to petition for adjudication of Bankruptcy under this Ordinance, may, at any time within two months after notice of such adjudication shall have been given in the Government Gazette, petition for adjudication of Bankruptcy under this Ordinance against such Debtor, and under such petition all such proceedings may be had and taken as are authorized and directed by this Ordinance.

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*As to an Act of Bankruptcy by non-payment after Judgment Debtor
Summons, and the proceedings thereupon.*

22. Every Judgment Creditor in respect of any debt amounting to fifty pounds or upwards, exclusive of costs, shall be entitled, at the end of one week from the signing of judgment, to sue out against the Debtor if a trader, or not being a trader at the end of one calendar month, and whether he be in custody or not, a summons, to be called a Judgment Debtor Summons, requiring him to appear and be examined respecting his ability to satisfy the debt.

Judgment debtor
summons.

23. Where, after the commencement of this Ordinance, a decree or order of a Court of Equity, or an order in Bankruptcy or Insolvency, or Lunacy, directing the payment of money is disobeyed by the Debtor, the same having been duly served on him, and the person entitled to receive the money or interested in enforcing payment of it has obtained a peremptory order of the competent jurisdiction, fixing a day for payment, and the debtor does not, being a trader, within seven days, or not being a trader, within two calendar months after service on him of the peremptory order, or such order having been duly served, within seven days after the day fixed by the peremptory order for payment (which shall last happen), pay the money, or secure, or tender, or compound for it, to the satisfaction of the Creditor, the Creditor shall be entitled at the end of those seven days to sue out against the Debtor a judgment debtor summons.

Unsatisfied decree
or order in equity,
&c., may be follow-
ed by judgment
debtor summons.

24. The judgment debtor summons shall, unless the Court shall in any case otherwise direct, issue according to the following rules:—

Rules regulating the
issue thereof.

- (a.) Where the Debtor is in British Columbia or its Dependencies, then out of the Supreme Court or County Court acting in Bankruptcy for the District in which the Debtor usually lives, or at the time of the issuing the summons happens to be :
- (b.) Where the Debtor is not in British Columbia, then out of the Supreme Court or the County Court acting in Bankruptcy for the District in which is situated the Debtor's usual or last known place of abode in British Columbia :
- (c.) Where the Debtor is in British Columbia or its Dependencies, the summons shall be served personally, unless the Court issuing the same shall in any case direct that service in some other manner shall be good service :

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(d.) Where the Debtor is not in British Columbia, the Court, upon such evidence as shall satisfy it that the service will be effectual to give notice to the Debtor, may order service to be made in such manner and form as it shall deem fit, and shall appoint a time by such order for the appearance of the Debtor :

(e.) Where the Debtor is in custody, a duplicate of the summons shall be delivered to the Sheriff or other person in whose custody he is, who shall bring him up according to the summons, at the cost of the summoning Creditor :

(f.) If service of the summons be not effected, and the Court is satisfied that the Debtor is keeping out of the way to avoid service, it may order that one or more notices be inserted in the Government Gazette, and in one or more newspapers published in the Colony, requiring him to appear on a day named, being not less than fourteen days after the publication of the first notice.

Examination of
Debtor.

25. Upon the appearance of the Debtor, he may be examined upon oath, by or on behalf of the Creditor, and by the Court, respecting his ability to satisfy the debt, and for the discovery of property applicable in that behalf, and shall be bound to produce, on oath or otherwise, such books, papers, and documents in his possession or power relating to property applicable or alleged to be applicable to the satisfaction of the debt, as the Court shall think fit, and to sign his examination when reduced into writing, and any Debtor refusing to be sworn, or who shall upon examination refuse or wilfully fail to discover fully and truly, to the best of his knowledge and belief, all his property, real and personal, inclusive of his rights and credits, and to produce all books, papers, and documents in his possession or power relating thereto, shall be liable to be committed by the Court as in the case of a Bankrupt.

Adjudication nisi of
the judgment debtor
summons.

26. If after service of such summons, or due notice thereof, as aforesaid, the Debtor shall not pay the debt and costs, or secure, or compound for the same, to the satisfaction of the Creditor, the Court may, on the appearance of the Debtor, or if he shall not appear, having no lawful impediment allowed by the Court, adjudge him Bankrupt, without the presentation of a petition for adjudication, or other proceeding; and where the Debtor has not appeared, notice of such adjudication shall be served upon him, in like manner as herein provided with respect to service of the summons.

Adjudication when
made absolute.

27. The Debtor shall be allowed seven days from such notice, or such further time as the Court shall think fit, for appearing to show cause against the adjudication, and if he appear within the time allowed, and show sufficient cause, the adjudication may be annulled, otherwise, at the end of the time allowed, or on the judgment

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of the Court against the sufficiency of the cause shown; the adjudication shall become absolute, and notice thereof shall be forthwith given in the Government Gazette, and the adjudication shall have relation back to the service of the summons, or the insertion of the first notice in the Government Gazette, as the case may be; and the fee payable upon the presentation of a petition for adjudication of Bankruptcy shall be paid in respect of adjudication under this Section, or under the last preceding Section, by the Official Assignee, or the Creditor's Assignee, as the case may be, out of the first moneys that shall be received under the estate of the Bankrupt.

28. The provisions contained in Section 260 of the "Bankrupt Law Consolidation Act, 1849," relating to the committal of a person refusing to be sworn, or doing or omitting the other acts or things therein mentioned, shall apply to a Debtor appearing on a judgment debtor summons. Power to commit.

29. Any Debtor may petition for adjudication of Bankruptcy against himself, and the filing of such petition shall be an act of Bankruptcy, without any previous declaration of Insolvency by such Debtor. Filing petition without declaration an act of Bankruptcy.

30. Every Debtor petitioning against himself, shall file in Court a full, true, and accurate statement of his debts and liabilities of every kind, and of the names and residences of his Creditors, and of the causes of his inability to meet his engagements, within such time after filing his petition, and in such form as General Orders shall direct. Petitioner must file full accounts.

31. Every Debtor who shall present a petition for adjudication whilst a prisoner in any prison gaol, shall, by writing, give notice to the keeper of such gaol or prison of his intention so to do, and shall in his petition state that such notice has been given. Petition by prisoner.

As to Adjudication of Bankruptcy against Pauper and other Prisoners for Debt.

32. If any Debtor, whether a trader or not, now being, or who shall be, imprisoned for any debt or demand, shall through poverty be unable to petition the proper Court for an adjudication of Bankruptcy against himself, he shall be at liberty to petition in forma pauperis, upon making an affidavit that he has not the means of paying the fees and expenses usually payable in respect of a petition by a Debtor for an adjudication of Bankruptcy. Such affidavit may be sworn before the gaoler of the prison where such Debtor is confined, and such gaoler is hereby empowered and required to take such affidavit, and swear the deponent thereto, without fee or reward. Petition in forma pauperis by prisoner.

33. Every person so petitioning in forma pauperis as aforesaid, shall be brought up to the County Court of the District at its next sitting after the presentation of such petition, and shall be examined Examination before County Court.

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by the Court touching his estate and effects, debts, dealings, and transactions; and if the Court shall be satisfied with such examination, it shall make an order of adjudication of Bankruptcy against the petitioner, and if it think fit, grant an order of protection to the petitioner.

Monthly Returns by
Gaoler.

34. The Gaoler of every prison in British Columbia, within the walls, rules, and liberties whereof any person shall be in custody, upon any process whatsoever, for or by reason of any debt, claim, or demand whatsoever, shall, on the first day of every month, or if such day shall happen to be Sunday, then on the day next following, make a return under his hand of the name of every such person, and the date of his or her imprisonment, and the nature and amount of the debt or demand, debts or demands, for which he or she is imprisoned or in custody, and whether he or she is willing or refuses to petition the Court of Bankruptcy, or is unable to do so by reason of poverty, or in such other form and manner, and with such particulars as any General Orders shall direct. Such return shall also include the names and addresses of every Creditor at whose suit each such prisoner is imprisoned or detained, and shall be made by Gaolers of prisons to the Supreme Court or County Court having jurisdiction in Bankruptcy within the jurisdiction of which the gaol is situate.

Attendance of County
Court Judge at
prison.

35. The County Court Judge shall in every case, on receiving such return, attend at the gaol on a day to be named, being at least seven and not more than twenty-one days from the date of such return. Notice of such order shall be forthwith given to the gaoler and also to the execution and detaining creditors of every prisoner included in such return. On the day named in the order, such County Court Judge shall attend at the prison, and examine every prisoner included in such return who shall have been in prison for 14 days, touching his estate and effects, debts, dealings, and transactions. The County Court Judge shall also ascertain the last or longest place of abode and business of each such prisoner within the six months next prior to his imprisonment. The County Court Judge shall have power to make an order of adjudication in Bankruptcy against every such prisoner, and to grant him protection, and shall also direct in what Court such adjudication shall be prosecuted, having regard to the amount of debts and the place of trade or residence of the prisoner within the six months next preceding his imprisonment.

Power to compel
evidence.

36. If the prisoner shall refuse to appear, or to be sworn, or to answer all lawful questions of the County Court Judge, or of the execution or detaining Creditor, or of any other Creditor who shall be present, respecting his debts, liabilities, dealings, and transactions, or to make a full discovery of his estate and effects, and of all his books of account, or to produce the same, or to sign his

examination when taken, the Court may, by warrant under the hand and seal of the Judge, commit him to the common gaol of the District, there to be kept, with or without hard labour, for any time not exceeding one month, and the Court may at the same time adjudge such prisoner Bankrupt, provided that if, after such adjudication, the Bankrupt shall, before the period of such commitment has expired, submit to be examined, and in all things conform to the jurisdiction of the Court, he shall in all respects have the same benefit as if he had submitted to the Court in the first instance.

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37. Every adjudication against any prisoner for debt so brought up as aforesaid, shall, unless the Court shall otherwise direct, have relation back to the date of his commitment or detention, as the case may be, and shall be as valid and effectual for all purposes as if it had been made under any other of the provisions of this Ordinance.

Date of adjudication.

38. This Ordinance shall be cited as the "Bankruptcy Ordinance, 1865."

Short Title.

No. 60.

An Ordinance for regulating the amount and application of the Fees to be taken in the Supreme Court of Civil Justice from Suitors therein.

A.D. 1865.

Vide No. 139.

[11th April, 1865.]

See Order of Court of 11th June, 1870, (Appendix).

Preamble.

WHEREAS it is expedient to define the amount of Fees to be taken by the Officers of the Supreme Court of Civil Justice of British Columbia in all civil actions pending therein, and also to provide for the appropriation and disposal of the same:

Be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. From and after the time of this Ordinance coming into operation, the Officers and Clerks of the said Supreme Court or of any Judge thereof, shall, for all matters mentioned or referred to in the Schedule hereto, take and receive the fees respectively in that behalf mentioned or referred to in the said Schedule, and no other; and all such fees, (except fees for office copies) shall be accounted for and paid in by such Officers and Clerks respectively into the Treasury.

Fees to be taken as described in Schedule.

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District Registrars
how appointed.

2. The Judge of the Supreme Court may, from time to time, subject to the approval of the Governor, appoint, remove, and replace persons to act as District Registrars in such parts of the Colony as he shall think fit, according to such directions as he shall think proper.

Fees for office
copies.

3. All fees for office copies shall be taken to the proper use of the Officer by whom or under whose authority the same office copies shall be made or certified.

Registrar of Supreme
Court may act as
Accountant General
&c., &c., for the
time being.

4. All duties which in England may be performed by the Accountant General, may in this Colony, until an Accountant General of the Supreme Court shall be appointed, be performed by the Judge of the Supreme Court; but no fees or percentage shall be taken in respect thereof; and all duties which may in England be performed in any of the Superior Courts of Common Law, by any Associate, Master, or Chief Clerk of any such Courts, or of any Judge therein; or in the High Court of Chancery by any Chief Clerk, Master, Registrar, Examiner, Record and Writ Clerk, Taxing Master, or Secretary; or in Bankruptcy by any Registrar or Official Assignee; or in Lunacy or in the Court of Probate, by any Registrar, Record Keeper, Sealer, Secretary, or Clerk, may lawfully be done in this Colony by any person appointed to act as Registrar of the Supreme Court of Civil Justice. Provided, always, that it shall be lawful for the Governor, at any time hereafter by instrument in writing, to appoint some other person to perform any of the functions authorized in this Section to be performed by the Judge and Registrar of the Supreme Court respectively, with such provisions and directions as to salary and otherwise as he shall think fit.

Fees not mentioned
in Schedule to be
charged according
to English practice.

5. For all matters and proceedings, not mentioned in the Schedule hereto, for which fees are chargeable under the English practice, the same fees and duties shall be chargeable and paid hereunder as are now payable under such practice.

Schedule.

6. The Schedule hereto annexed shall be part of this Ordinance.

Date of operation.

7. This Ordinance shall have force from the first day of January, 1865, as to the application of fees; and from the first day of May, 1865, as to the amounts to be taken.

Short Title.

9. This Ordinance shall be cited as "The Supreme Court Fees Ordinance, 1865."

SCHEDULE.

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Fees to be taken in Common Law and Chancery Proceedings.

	£	s.	d.
Every writ (except writ of trial or subpoena).....	8	0	
Every concurrent, alias, pluries, or renewed writ	4	0	
Every writ of trial	4	0	
Every writ of subpoena before a judge or master	2	0	
Every writ of subpoena before the sheriff	2	0	
Every appearance entered	4	0	
Filing every affidavit or other proceeding	2	0	
Amending every writ or other proceeding	4	0	
Every ordinary rule	2	0	
Every special rule, not exceeding 6 folios	8	0	
Every special rule, exceeding 6 folios, per folio.....	1	0	

Note.—Plans, sections, &c., accompanying rules, to be paid for by the party taking the rule, according to the actual cost.

Every judgment by default	5	0	
Every final judgment, otherwise than judgment by default	10	0	
Taxing every bill of costs, not exceeding 3 folios	5	0	
Taxing every bill of costs, exceeding 3 folios, when taxed as between party and party, per extra folio.....	1	0	
Taxing every bill of costs, same as between attorney and client, per folio.....	2	0	
Every reference, enquiry, examination, or other special matter referred to the master, for every meeting not exceeding one hour.....	10	0	
For every additional hour, or fraction thereof.....	10	0	
For payment of money into Court, viz. :—			
For every sum under £50	5	0	
Over £50 and under £100	10	0	
Over £100	1	0	0
Every certificate	4	0	
All office copies of documents, per folio	1	0	
Every search	2	0	
Every affidavit, affirmation, &c., taken before the Registrar.....	3	0	
Every allowance and justification of bail	3	0	
For taking special bail as a commissioner	4	0	
Filing affidavit and enrolling articles previous to the admission of an attorney.....	1	5	0
Every re-admission of an attorney	5	0	0
Every record of nisi prius, entered for trial.....	1	5	0
Every trial of a cause, from plaintiff.....	1	0	0
Every trial of a cause, from defendant.....	15	0	
Every trial of a cause, if the trial continues more than one day, then for every other day, from plaintiff and defendant, each	10	0	
Returning the postea	5	0	
Every cause made remanet, at the instance of the parties, to be paid by plaintiff or defendant, as the case may be.....	10	0	

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	£	s.	d.
Every cause withdrawn, to be paid by the party at whose instance it is withdrawn.....	10	0	
Re-entering every record of nisi prius, made remanet, &c.	4	0	
Every reference, from plaintiff and defendant, each	5	0	
Every amendment of any proceeding whatever	4	0	
Every order or certificate.....	8	0	
Every special case, or special verdict, in 'addition to the charge for engrossing and copying at the rate of [1s.] per folio, from plaintiff and defendant, each	1	0	
Every summons to try an issue before the sheriff	2	0	
Every other summons whatever, whether in term or vacation	3	0	
Every order to try an issue before the sheriff.....	2	0	
Every other order whatever of an ordinary nature.....	3	0	
Every order of a special nature, such as: reference to arbitration, or attendance of witnesses at arbitration; service of process on person resident abroad; reference to the master to fix sum for final judgment, revival of judgment, and the like	7	0	
Every fiat, warrant, certificate, caveat, special case, special verdict, or the like.....	7	0	
Every affidavit, affirmation, &c., whether in term or vacation, each deponent	4	0	
Every admission of an attorney	5	0	0
Every commission for taking affidavits or special bail, engrossing and sealing	1	10	0
Every other commission for any purpose whatever, engrossing and sealing.....	15	0	
Every acknowledgment by married women	10	0	
Office copies of judges' notes, or of any other proceeding whatever, per folio	1	0	
Every cognizance or bond of any description whatever.....	15	0	
Every allowance of writ of error.....	10	0	
Bail on cepi corpus, habeas corpus, writ of ejectment.....	4	0	
Delivering bail piece off the file, or justification of bail.....	4	0	
Every committal	5	0	
Every exhibit signed by the judge.....	1	0	
Producing judge's notes	5	0	
Bill of exceptions signed by judge	5	0	
Crown revenue cases, from defendant.....	5	0	
Attendance as a commissioner to take affidavit, &c., or at a judge's house, or elsewhere at the request of parties.....	1	10	0

In cases where the party has been allowed to sue in forma pauperis the fees are not to be demanded or taken, nor in cases where such fees would be payable by any Revenue or other Government Department.

All other fees than those before mentioned are hereby abolished, and are not to be taken by any person under any pretence whatever.

In Bankruptcy.

The fees to be taken in all parts of the Colony should be the same as those taken in England, as authorized by Schedule C. to the Act of 12 & 13 Vict.,

c. 106, s. 48, and by the General Order in Bankruptcy, 31st May, 1850, and the Rule 130 as to the allowances to the Official Assignee for collecting the Bankrupt's estate.

But the judge may, on application, certify for a larger allowance on collections where he shall be satisfied that the allowances authorized as aforesaid do not cover the actual expense, and no Official assignee shall in such case retain more than the amount so certified.

In Lunacy.

Such fees as are directed by the Act of the Imperial Parliament, 16 & 17 Vict., c. 70, s. 31.

In Probate.

[See Act of 1857, s. 95.]

Generally.

As to all proceedings on all instruments and attestations to which the Seal of the Court shall be attached, either necessarily or at the request of the party, a fee of 4s. shall be taken, unless such instrument be already under this Ordinance chargeable with a fee (other than office copy fees) of the like or larger amount.

All office copies made or certified by the proper officer shall be charged at the rate of 1s. per folio of every 72 words.

In all payments, all coins may be accepted at the rates at which the same may actually be current at the place of payment.

No. 61.

An Ordinance respecting Arrest and Imprisonment for Debt.

A.D. 1865.

[11th April, 1865.]

BE it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. No person shall be arrested or imprisoned on any judgment whatsoever, recovered against him as a Debtor at the suit of any person, and any person under arrest or imprisonment, or order therefor, at the time of the passing of this Ordinance, on any such judgment shall, if not already discharged, be within fifteen days after the passing of the same discharged from such arrest or imprisonment, or order therefor; but, notwithstanding such discharge, every such person shall be subject to be arrested again, as hereinafter provided.

Imprisonment for debt shall cease.

2. Process of contempt for non-payment of any sum of money, or for non-payment of any costs payable by any decree or order in

Contempt for non-payment of costs, and arrest for non-

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payment of money
abolished, save as
here excepted.

Chancery, is abolished; and no person shall be detained, arrested, or held to bail for non-payment of money, except as hereinafter mentioned, and unless a special order for the purpose be made on an affidavit establishing the same facts and circumstances as are necessary for obtaining a writ of *capias ad satisfaciendum* under this Ordinance, and in such case the arrest when allowed shall be made by means of a writ of attachment, corresponding as nearly as may be to a writ of *capias ad satisfaciendum*.

The affidavit for
special bail on a ca.
re. shall suffice for
a ca. sa.

3. In cases in which the defendant has been held to special bail upon a writ of *capias ad respondendum*, or upon a writ of *ne exeat regno*, issued on a Judge's order, it shall not be necessary after judgment signed, or decree made, before suing out a writ of *capias ad satisfaciendum*, or a writ of attachment, to obtain a Judge's order for the issuing thereof, or to make or file any further or other affidavit than that upon which the order authorizing the defendant's arrest was obtained in the first instance; but where the defendant has not been so held to special bail, if the plaintiff in the action, by the affidavit of himself or some other party shows, to the satisfaction of a Judge of the Supreme Court of Civil Justice, or if the case be in a County Court, shows to the Judge or acting Judge of such Court, that he has recovered judgment or obtained a decree for the payment of money against the defendant for the sum of twenty pounds or upwards, exclusive of costs, and also by affidavit shows such facts and circumstances as satisfy the Judge that there is good and probable cause for believing either that the defendant, unless he be forthwith apprehended, is about to quit this Colony, with intent to defraud his Creditors generally, or the said plaintiff in particular, or that the defendant hath parted with his property, or made some secret or fraudulent conveyance thereof, in order to prevent its being taken into execution, such Judge may, by a special order, direct that a writ of *capias ad satisfaciendum*, or a writ of attachment, as the case may be, may thereupon be issued, according to the practice of the Courts in which the proceedings in the first instance have been instituted.

Where fraud proven
a ca. sa. may issue.

Sheriff may take a
limit bond, and on
its allowance by
Judge is discharged
from liability.

4. The Sheriff may take from any Debtor confined in any gaol of this Colony in execution under this Ordinance, or upon mesne process a bond with two or more sufficient sureties, to be jointly and severally bound in a penalty of double the amount for which such Debtor is so confined, conditioned that such Debtor shall abide and remain within the limits of the Colony, and shall not depart therefrom unless duly discharged from custody in the suit or matter upon which he is so confined, and also that such Debtor will, during all the time that he is subject to such custody, observe and obey all Notices, Orders, or Rules of Court touching or concerning such Debtor, or his answering interrogatories, or his appearing to be examined *viva voce*, or his returning and being remanded into close custody, and that upon reasonable notice, to them or any of

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them, requiring them so to do, they will produce such Debtor forthwith to the Sheriff, and also that the said Debtor will cause the said bond, or the bond that may be substituted for the same, according to the provisions hereinafter contained, to be allowed by a Judge of the Supreme Court of Civil Justice or of the County Court of the District wherein the Debtor is confined, and such allowance to be endorsed thereon by the said Judge; and for this purpose, the Sheriff shall, upon reasonable notice given by the Debtor, cause such first mentioned bond to be produced before the Judge, and upon such allowance being so endorsed, the Sheriff shall be discharged from all responsibility respecting such Debtor, unless the Debtor be again committed to the close custody of such Sheriff in due form of Law.

5. The Sheriff may also require each surety, when there are only two, to make oath in writing, to be annexed to the bond, that he is a freeholder or householder in some part of the Colony, stating where, and is worth the sum for which the Debtor is in custody (naming it), and One hundred pounds more, over and above what will pay all his debts, or where there are more than two sureties, then he may require each surety to make oath as aforesaid, that he is a freeholder or householder as aforesaid, and is worth one-half the sum for which the Debtor is in custody (naming it) and One hundred pounds more, over and above what will pay all his debts.

Surety to swear to
qualification.

6. The application for the allowance aforesaid shall be by motion of the Debtor, and four clear days' notice thereof shall be given in writing to the Plaintiff, his Counsel, or Attorney, who at the time of such motion may object to the sufficiency of the sureties; and if the Judge refuses his allowance of the bond, then the Debtor may cause another bond, made to the Sheriff in the same terms and under the same conditions, to be executed without any further application to the Sheriff, and may move in like manner and upon the like notice for the allowance thereof; and such bond if allowed and endorsed as aforesaid, shall be substituted for, and take place of, and have the like effect in all respects, and the like remedies shall be had thereon, as the bond so first given to the Sheriff as aforesaid would have had upon the allowance thereof, and such first given bond shall thereupon become void.

Judge's allowance
how obtained.

7. Upon receipt of such bond, accompanied by an affidavit of a subscribing witness of the due execution thereof, and by the sureties' affidavits of solvency if required by the Sheriff, the Sheriff may permit and allow the Debtor to go out of close custody in gaol into and upon the limits of the Colony.

On receipt of limit
bond, Sheriff may
release prisoner.

8. In case the Sheriff has good reason to apprehend that the sureties, or any of them, have, after entering into such bond, become insufficient to pay the amount by them severally sworn to, he may again arrest the Debtor and detain him in close custody.

But may re-arrest.

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Which shall discharge sureties.

9. The sureties of the Debtor may plead such arrest and detention in bar of any action brought against them upon the bond entered into by them, and such plea, if sustained in proof, shall wholly discharge them from such action; and the Debtor may again obtain the benefit of the gaol limits on giving to the Sheriff a new bond with sureties as aforesaid.

Assignment of limit bond on breach.

10. Upon breach of the condition of any such bond, the party at whose suit the Debtor is confined, may require the Sheriff to assign the same to him, and such assignment shall be made in writing, under the seal of the Sheriff, and attested by at least one witness, and the assignee of the Sheriff, or the executors or administrators of such assignee, may maintain an action in his or their own names upon such bond, which action the Sheriff shall have no power to release, but upon executing such assignment at such request, the Sheriff shall be thenceforth discharged from all liability on account of the Debtor or his safe custody.

Sureties may surrender prisoner.

11. The sureties of any such Debtor may surrender him into the custody of the Sheriff at any gaol within the Colony, and the Sheriff, his Deputy, or Gaoler shall there receive such Debtor into custody, and the sureties may plead such surrender or an offer to surrender, and the refusal of the Sheriff, his Deputy, or Gaoler to receive the Debtor into custody at the gaol, in bar of any action brought on the bond for a breach of the condition happening after such surrender or tender and refusal, and such plea, if sustained in proof, shall discharge them from the action, but such Debtor may again obtain the benefit of the limits on giving to the Sheriff a new bond, with sureties as aforesaid.

Fi. fa. may still issue after the ca. sa.

12. Except as provided in this Ordinance, the party at whose suit any Debtor is confined in execution, may, whenever such Debtor has taken the benefit of the limits, sue out a writ of fieri facias against his lands or goods, notwithstanding such Debtor's having been charged in execution, and such writ shall not be stayed, but shall be proceeded with until executed, although such Debtor be recommitted to close custody; but the wearing apparel of the Debtor and that of his family, and their beds and bedding, and household utensils, not exceeding together the value of ten pounds, and the tools and implements of the trade of such Debtor, not exceeding in value ten pounds, shall be protected from such writ of fieri facias.

Discharge from ca. sa. how obtained.

13. Any person arrested or imprisoned under a writ of *capias ad satisfaciendum*, or under a writ of attachment, under this Ordinance, may apply for and obtain his discharge upon showing, under oath, to the satisfaction of the Judge of the Court from which such writ has issued, that he has satisfied the debt, or that he has no property wherewith to pay his execution Creditor, and that he is not about to leave the Colony, and that he has not made any fraudulent dis-

position or conveyance of his property, or any portion thereof, with intent to defeat or delay such Creditor, or his Creditors generally; provided, however, that reasonable notice in writing of such intended application shall, when practicable, be given by such Debtor to his execution Creditor; and in cases when service of such notice is impracticable or difficult, such proceeding shall be taken as may, in the discretion of the Judge, be ordered in that behalf.

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14. None of the foregoing provisions relative to the discharge from custody, or admission to bail, shall extend or be applicable to any persons who are in custody upon any criminal charge.

Criminals not entitled to discharge.

15. In case any party has obtained a judgment or decree for the payment of money in the Supreme Court of this Colony, such party or any person entitled to enforce such judgment or decree may apply to a Judge of such Court for a rule or order that the judgment Debtor shall be orally examined upon oath before him, or before any other person to be named in such rule or order, touching his estate and effects, and as to the property and means he had when the debt or liability which was the subject of the action in which judgment has been obtained against him was incurred, and as to the property and means he still hath of discharging the said judgment, and as to the disposal he may have made of any property since contracting such debt or incurring such liability; and in case such debtor does not attend as required by the said rule or order, and does not allege a sufficient excuse for not attending, or if attending, he refuses to disclose his property, or his transactions respecting the same, or does not make satisfactory answers concerning the same, or if it appears from such examination, or otherwise, that such Debtor has concealed or made away with his property, or any part thereof, in order to defeat, delay, or defraud his Creditors, or any of them, such Judge may order such Debtor to be committed to the common gaol of the district in which he resides, for any time not exceeding twelve calendar months, or may by rule or order direct that a writ of *capias ad satisfaciendum*, or writ of attachment, as the case may be, be issued against such Debtor, and a writ of *capias ad satisfaciendum* may thereupon be issued on such judgment, or in case such Debtor enjoys the benefits of the gaol limits, such Judge may make a rule or order for such Debtor being committed to close custody.

Examination of judgment debtor.

16. In case of the discharge, under this Ordinance, of any person arrested or imprisoned under a writ of *capias ad satisfaciendum* or under a writ of attachment, all the rights and remedies of the judgment Creditor, against the property of the judgment Debtor, shall be the same as if such writ of *capias ad satisfaciendum* or writ of attachment had never issued or been executed, and the costs incidental thereto shall be costs in the cause.

Discharge of prisoner under a ca. sa. not to affect creditor's other remedies.

A.D. 1865.

Short Title.

17. This Ordinance shall be cited as the "Imprisonment Exemption Ordinance, 1865."

No. 62.

A.D. 1865.

An Ordinance respecting the Salary of the Office of Governor.

[11th April, 1865.]

Preamble.

WHEREAS by the "Crown Officers' Salaries Act, 1863," the minimum annual Salary of the Governor of British Columbia, was permanently fixed at Three thousand pounds, with allowances:

And whereas the Legislative Council of British Columbia by unanimous Resolution duly passed on the 7th day of March, in the year of Our Lord One thousand eight hundred and sixty-five, prayed that owing to the decided progress that had taken place in the Colony, and to the increased responsibilities that had therefore devolved upon the head of the Executive, the Salary of the Governor might be increased One Thousand Pounds, and that an Ordinance might be sent down to the Council to enable the said increase to be duly made, and that the same might be embodied in the permanent Law above referred to:

And whereas it is expedient that such Resolution should be carried into effect:

Be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:—

Authorizes increase
to salary of £1000.

1. From and after the passing of this Ordinance, it shall be lawful for Her Majesty, Her heirs and successors at all times hereafter, out of the General Revenue of the Colony of British Columbia, from whatever source arising, to take, pay, and apply to the Governor of British Columbia, in addition to the said minimum annual payment of Three thousand pounds, with allowances, the further annual sum of One Thousand Pounds Sterling.

Suspending clause.

2. Provided that no payment shall be made hereunder as aforesaid, until Her Majesty's confirmation of this Ordinance shall have been first duly proclaimed.

Short Title.

3. This Ordinance shall be cited as the "Crown Officers' Salaries Extension Ordinance, 1865."

No. 63.

An Ordinance further to facilitate the Construction of the Overland Telegraph. A.D. 1865

[11th April, 1865.] *Vide No. 64.*

WHEREAS Perry Macdonough Collins has transferred all his right and interest in the Overland Telegraph and in the privileges conferred by the "International Telegraph Ordinance, 1865," to the "Western Union Telegraph Extension Company:" Preamble.

And it is expedient to grant to such Company further privileges and immunities for the construction of the said Telegraph, and to alter and extend the "International Telegraph Ordinance, 1865," accordingly:

Be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. Clause 13 of the said "International Telegraph Ordinance, 1865," is hereby repealed. Repeals clause 13 of International Telegraph Ordinance, 1865.

2. The said "Western Union Telegraph Extension Company," shall be Incorporated in this Colony, and be capable of suing and being sued by that name as a Corporation in all Courts in the Colony, and shall have a Common Seal bearing the said Corporate name, cognizable in all such Courts. Western Union Telegraph Company to be incorporated in the Colony.

3. Such Company shall have and maintain during the term of the said Ordinance, a head office at New Westminster. Head office to be at New Westminster.

4. Every delivery of a document or notice at such office, affecting or relating to the said Company, shall be a good and sufficient delivery and notice, according to the tenor thereof, upon such Company for all purposes whatsoever. Delivery of notice thereat to be sufficient.

5. This Ordinance shall be cited as "The International Telegraph Extension Ordinance, 1865." Short Title.

No. 64.

An Ordinance to incorporate The Western Union Telegraph Company, in lieu of The Western Union Telegraph *Extension* Company. A.D. 1866.

[31st January, 1866.]

WHEREAS the association of persons engaged in the construction of Collins' Overland International Telegraph, have requested to be incorporated by Statute, under the more appropriate name of the Western Union Telegraph Company, in lieu of that Preamble.

A.D. 1866.

of the Western Union Telegraph Extension Company; and it is expedient that the Statute Law of the Colony in that behalf should be modified accordingly :

Be it therefore enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:—

Change of name.

1. The name of the Western Union Telegraph Extension Company in "The International Telegraph Extension Ordinance, 1865," mentioned, shall be and is hereby changed to that of the "Western Union Telegraph Company."

Saving existing rights.

Provided that all acts, and documents, and things heretofore lawfully made, done, or committed by or with the Western Union Telegraph Extension Company, shall be and be deemed and taken to be, and to have been, made and done by or with the Western Union Telegraph Company, and be valid accordingly.

Incorporation of the Company.

2. The said Western Union Telegraph Company is hereby incorporated by that name, with perpetual succession, and a common seal, which seal, bearing that corporate name, shall be cognizable in all Courts of the Colony, and the said Company and their successors are hereby empowered to sue and be sued in all Courts, by such corporate name.

Transfer of existing Telegraph privileges to Western Union Telegraph Co.

3. The rights, powers, privileges, and franchises, for or in respect of the construction and maintenance of the Overland International Telegraph, conferred or intended to be conferred on the said Western Union Telegraph Extension Company by "The International Telegraph Extension Ordinance, 1865," or other Ordinances, shall be, and be deemed to have been, and are hereby transferred and granted to the said Western Union Telegraph Company, their successors and assigns, as fully and effectually to all intents and purposes as if the last named Company had been expressly designated in that behalf in the said Ordinances; subject always, nevertheless, to all and every the same conditions, provisions, and stipulations of forfeiture and otherwise, under which the said Western Union Telegraph Extension Company, by any such said Ordinances, or any Statute of the said Colony, relating to Collins' Overland International Telegraph, held or was intended to hold the same.

Subject to the existing conditions limiting such privileges.

Head office.

4. Such Company shall have and maintain during the subsistence of the term granted by "The International Telegraph Ordinance, 1865," a head office at New Westminster.

Notice.

5. Every delivery of a document or notice at such office affecting or relating to the said Company, shall be a good and sufficient delivery and notice, according to the tenor thereof, upon such Company for all purposes.

Short Title.

6. This Ordinance shall be cited as "The International Telegraph Ordinance; 1866."

No. 65.

An Ordinance to amend the Law relating to Joint Stock Companies.

A.D. 1866.

[8th March, 1866.]

AMENDED and extended to V. I. by No. 129.

Preamble.

WHEREAS it is expedient that the Laws relating to the Incorporation, Regulation, and Winding up of Trading Companies and other Associations should be consolidated and amended:

Be it therefore enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. The "British Columbia Joint Stock Companies' Act, and the "Mining Joint Stock Companies' Ordinance, 1864," are hereby repealed.

Repeal of B. C. Joint Stock Co's Act, and Mining Joint Stock Ordinance, 1864.

2. An Act of the Imperial Parliament, passed in the Session of Parliament holden in the 25th and 26th years of the Reign of Her Majesty Queen Victoria, chapter 89, intituled "The Companies' Act, 1862," shall, from and after the passing of this Ordinance, be and have, as far as practicable, and save as hereinafter altered and modified, the force of Law in this Colony.

Imperial Act The Companies' Act, 1862, in force.

3. The expression "the Court" as used therein shall, instead of the interpretation given thereto in Clause 81 of such Act, mean the Supreme Court of Civil Justice of British Columbia, and any Judge of such last mentioned Court shall have and exercise all the powers in and by the said Act conferred upon the Lord Chancellor and Vice Chancellor.

The expression "the Court" shall mean the Supreme Court of Civil Justice of British Columbia. Judge thereof to have powers of Lord Chancellor.

4. The power given to Companies to empower any person as their Attorney to execute deeds on their behalf, in any place not situate in the United Kingdom, shall apply to the execution of deeds in this Colony, and such authority shall include a power to Companies in this Colony to empower an Attorney to execute deeds on their behalf in the United Kingdom.

Power to execute deeds out of the United Kingdom.

5. All fees payable under this Ordinance, shall be the same as those payable under "The Companies' Act, 1862;" provided, however, that such shall be collected in the ordinary way, and not by stamps, and be paid into the Treasury of this Colony to the use of Her Majesty, Her heirs and successors.

Fees payable the same as those in England.

6. Until some other person or persons shall be appointed in that behalf by the Governor, the Colonial Secretary of British Columbia shall have and exercise all the powers and duties of the Board of Trade, in the said Act mentioned. The Official Liquidator therein mentioned, shall be appointed by the said Supreme Court of Civil Justice.

Colonial Secretary to be substituted for Board of Trade.

A.D. 1866.

Public notices, how given.

Mining Companies formed here, may be incorporated by obtaining Certificate of Registration from a Gold Commissioner

Requirements as to Registration of Companies' Act, 1862, and Part IX. shall apply to all incorporated Companies.

Except to Companies registered under the Gold Mining Ordinance, 1865.

General Orders and Rules of 25th November, 1862, in force here.

Short Title.

7. Notices, by the said Act required to be published in the gazettes and newspapers therein mentioned, shall, instead thereof, be published in the Government Gazette, and in such other newspapers as may be ordered.

8. When Companies are formed in this Colony for Mining purposes, all papers and documents required to be registered under the said Act with the Registrar of Joint Stock Companies may, instead thereof, be registered with any Gold Commissioner or Assistant Gold Commissioner; provided, that in such cases every such document shall be delivered to him in duplicate, and upon receipt of the same and of the fees for registration, and upon the requirements of the Act being fulfilled, such Company shall receive from the said Gold Commissioner the usual Certificate of registration, and upon such Certificate being granted the Company shall be deemed to be duly Incorporated, and the duplicate of all such documents above mentioned and of the Certificate of registration shall be forthwith transmitted by such Gold Commissioner to the Registrar of Joint Stock Companies, and such Certificate of registration shall have the same force and effect as if it had been granted by such Registrar, and shall be received in any Court as evidence, in like manner as the Certificate of registration of such Registrar.

9. All the requirements of the said Act as to registration thereunder of Companies already registered, shall apply as well to Mining Companies now formed in this Colony under the "Mining Joint Stock Companies' Ordinance, 1864," as to all other Joint Stock Companies formed under the Joint Stock Companies Acts hereby repealed; and all the provisions of Part IX. of the said Act, save as hereinbefore altered, shall apply to all Mining Companies heretofore or hereafter Incorporated.

10. Nothing herein contained shall in any way be construed to interfere with the provisions of the "Gold Mining Ordinance, 1865," but all the provisions for winding up Companies under this Ordinance shall be extended and applied to Mining Companies registered under the provisions of Part VII. of the said "Gold Mining Ordinance, 1865."

11. The General Orders and Rules for regulating the practice and mode of procedure under this Ordinance in this Colony, shall be those of the High Court of Chancery of England, bearing date the 25th day of November, 1862; provided, that it shall be lawful for the Judge of the Supreme Court of Civil Justice of British Columbia, with the sanction of the Governor, to modify or alter the same when expedient.

12. This Ordinance shall be cited as "The Companies' Ordinance, 1866."

No. 66.

An Ordinance regulating the Investment of Sinking Funds of Public Loans. A.D. 1866.

[15th March, 1866.]

WHEREAS it is expedient to facilitate the investment of the Sinking Funds of British Columbia Loans in securities of this as well as of other Countries: Preamble.

Be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. Notwithstanding anything to the contrary contained in any of the Proclamations and Ordinances intituled respectively "The British Columbia Loan Act 1862," "The British Columbia Loan Act 1863," and "The British Columbia Loan Act, 1864," it shall be lawful for the Trustees of any Sinking Fund created under any of such Proclamations or Ordinances, from time to time, and at any time hereafter, under the directions of the Secretary of State for the Colonies, and the instructions of the Governor of British Columbia, to invest the amount of any such Sinking Fund, and the accumulations thereof, in any Debentures or other Government Securities of British Columbia, as well as in Imperial Securities, or the Securities of other Colonies. Power to invest Sinking Fund in British Columbia Securities.

2. The said Trustees may hold every such British Columbian Debenture or Security uncanceled, and may receive and invest the interest accruing thereon for the purpose of the Sinking Fund, in the same manner as the Debentures of any other Colony, under the provisions of the said Proclamations or Ordinance. Provision for continuance of interest on such purchased Securities and non-cancellation of Debentures.

3. This Ordinance may be cited as "The Sinking Fund Ordinance, 1866." Short Title.

No. 67.

An Ordinance conferring certain privileges on the Williams Creek Bed-Rock Flume Company. A.D. 1866.

[29th March, 1866.]

WHEREAS the "Williams Creek Bed-Rock Flume and Ditch Company, Limited," have applied for a grant of certain mining rights and privileges, in order to enable the Company to complete the Flume now in course of construction by them on Williams Creek, in the District of Cariboo East: Preamble.

A.D. 1866.

And whereas it is deemed expedient to grant the rights and privileges sought to be obtained, and it is deemed also desirable to state and express in this Ordinance all that hath been and that is hereby granted:

Be it therefore enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:—

Grants the following privileges:

1. From and after the passing of this Ordinance, the "Williams Creek Bed-Rock Flume and Ditch Company, Limited," their successors and assigns, shall have and enjoy, upon the conditions hereinafter mentioned, the following rights and privileges, for and during a period of ten years:—

Exclusive right of way;

(a.) The exclusive right of way through all mining ground, for the construction, maintenance, and cleansing of a bed-rock flume, of such size and dimensions as the Company may determine upon, from a point commencing at the upper line of the Burn's Tunnel, on Williams Creek, and running thence up stream to the upper line of the ground of the Steele Company, now known as the California Company, together with the right in claims along their line of flume, legally held and worked between the points aforesaid, to use ten feet of ground on each side of the flume, for constructing, maintaining, and cleansing such flume:

The exclusive right for 10 years to 150 feet of vacant ground measured across the flume;

(b.) The exclusive right, within the above mentioned limits, without having to record the same, to one hundred and fifty feet in breadth of all mining ground vacant or abandoned at any time on and after the 1st day of July, 1864, during the said period of ten years; such one hundred and fifty feet to be measured across or from either side of the said flume, and such ground need not be staked out, except upon the Company being required so to do by the Gold Commissioner of the District:

The rights in claims to privileges of sec. (f.) c. 55, of "Gold Mining Ordinance, 1865;"

(c.) The right in claims lying between the points aforesaid not "colourably" worked, and through which the bed-rock flume passes, to the benefit and privileges conferred by Section (f), Clause 55, of the "Gold Mining Ordinance, 1865:"

Exclusive right to mine ground above the upper line of California claim;

(d.) The exclusive right, save as herein excepted, to hold and mine all ground on the said creek, situate above the said upper line of the California Company, and lying and being between such line and a point marked by a stake with the Company's name thereon, three miles up stream, save and except the mining ground within such limits, claimed and held on the 1st day of July, 1864, by the following Companies, that is to say: the Dutch Bill, Brouse, Wilson and Simmons, and Hoffman, and in and from the ground so lastly mentioned, the said Bed-rock Flume Company shall

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be entitled to the rights of way and privileges hereby granted in Section (a) of Clause 1 of this Ordinance, and also to the benefit and advantage of Section (f), Clause 55, of the "Gold Mining Ordinance, 1865," and such further compensation for drainage from the said Companies as the Gold Commissioner of the District may consider just. Provided, however, and notwithstanding the grant above made, that it shall be lawful for the Gold Commissioner of the District, on and after the completion of every 100 feet of flume, to curtail and narrow the said grant to a piece of ground 150 feet in width along the line of the said flume, and order the Company to measure and define the same as hereinbefore provided:

- (e.) The exclusive right to the use of the water of the creek for the purpose of working the said flume. Provided, however, that mining companies along the flume line shall be at liberty to take from the flume such water as they may absolutely require for mining purposes, but upon condition that they shall return the water so taken, with the least possible waste, to the bed of the flume at the nearest point possible. In no event, however, shall any miner or miners be permitted to obstruct, by mining dams or otherwise, the water in the flume, or the free working thereof. Provided, however, that the said Company shall in no case interfere with any duly recorded ditch rights or privileges now existing.

The exclusive right
to water of the
Creek;

- (f.) The right of way for the Ditch of the Company, constructed between Jack of Clubs Creek and Williams Creek, with the like right of way for extending and continuing such ditch, if necessary, and the exclusive right to 1,000 inches of water, to be taken from Jack of Clubs Creek, as at present through Mink Gulch, and the like right to take the said quantity of water from Ground Hog Lake, and conduct the same through the bed of Jack of Clubs Creek, and it is expressly declared that the channel of Mink Gulch and the bed of Jack of Clubs Creek as at present used shall, for the purposes mentioned, be considered and form part and parcel of the ditch of the Company.

Right of way for
Company's ditch;

- (g.) The right to all the gold taken out of the ground so granted as aforesaid, and to all the gold in their flume.

Right to gold in the
flume.

2. In consideration of the grant of the above rights of way, and mining and ditch privileges, the said Company, their successors and assigns, shall fulfil and observe the terms and conditions following, that is to say:—

- (a.) They shall, on the 1st day of June, in each and every year of \$25 rent a year for each half mile granted; the said term of ten years, pay to the use of Her Majesty, ed;

A.D. 1866.
—

Her heirs and successors, the sum of twenty-five dollars for each and every half-mile of right of way for the flume hereby granted, and by them retained; and it shall be lawful for the Company to abandon any portion thereof by giving notice in writing of such their intention, to the Gold Commissioner of the District.

Ditch privileges held subject to Part X. of "Gold Mining Ordinance, 1865."

(b. They shall hold and enjoy the ditch privileges hereby conferred, subject to the terms and provisions of Part X. of the "Gold Mining Ordinance, 1865."

Interpretation Clause.

3. And whereas doubts have arisen, or may arise, as to the construction of the latter part or proviso of Section (f), Clause 55, of the "Gold Mining Ordinance, 1865," herein referred to, it is hereby declared that the same shall be construed as follows, that is to say:—That where any advantage, equivalent to the cost of making the cut, may accrue to the individual claimholder by reason of such flume being laid through the claim, the Bed-rock Flume Company shall be entitled to the actual cost of making such cut and laying the flume, and such cost shall be a charge not only on the gold taken out of the cut but also on such individual claim.

Saves rights heretofore granted.

4. Nothing herein contained shall be construed so as to interfere with any agreements heretofore entered into by the said Company, in respect of the purchase of a portion of the said right of way or otherwise.

Short Title.

5. This Ordinance shall be cited as "The Williams Creek Flume Ordinance, 1866."





THE LAWS
OF
BRITISH COLUMBIA,
SINCE THE UNION
OF THE TWO
FORMERLY SEPARATE COLONIES OF VANCOUVER ISLAND
AND BRITISH COLUMBIA.

No. 68.

An Ordinance to assimilate the Law relating to Sheriffs.

A.D. 1867.

[5th March, 1867.]

WHEREAS it is expedient to assimilate the Law relating to Sheriffs in all parts of British Columbia:

Vide No. 99.
Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. "The Sheriffs' Act, 1860," is hereby repealed.
2. Whenever any Court of lawful jurisdiction in British Columbia shall order or require to be done any act, matter, or thing, which ought by Law to be done by the High Sheriff of British Columbia, or by some person acting under his authority, and no such Sheriff or person shall be present in readiness to do such act, matter, or thing, it shall be lawful for the Judge of the said Court, by writing under his hand, to appoint such person as he shall think

Repeal of Sheriffs' Act, 1860.
Court may appoint Sheriff temporarily.

A.D. 1867.

fit to act as Sheriff, taking from the person so appointed such securities for the due performance of his duties as the said Judge shall think proper, and every such appointment shall endure and be in force for the space of one calendar month and no longer, unless renewed by the said Judge or by some competent authority; and it is hereby declared that it shall be lawful for the said Judge to renew such appointments as he shall deem necessary; and every such appointment and re-appointment, and all things which shall be done under the same, shall, with all convenient speed be made known by the said Judge to the Governor for the time being of the said Colony. Provided, always, that no act or neglect on the part of a person appointed to act as Sheriff under the provisions hereof shall affect the High Sheriff of British Columbia with any personal liability.

Sheriff may act as
J. P.

3. All acts hitherto done, or hereafter to be done as a Justice of the Peace, by any person who while a High Sheriff of British Columbia had or may have any authority or jurisdiction as a Justice of the Peace or Stipendiary Magistrate in the same Colony, shall be and be deemed to have been well and lawfully done.

Continuance of
office.

4. The Office of High Sheriff shall be tenable during the pleasure of the Governor of the said Colony; and it shall be lawful for every High Sheriff, and also for every person holding any appointments, to act as for or under a High Sheriff, to continue until supersession or resignation to hold such office or appointment, and to do and exercise all acts and authority which ought to be done or exercised by a Sheriff or Deputy Sheriff.

Governor may re-
quire security for
discharge of duty
by High Sheriff.

5. It shall be lawful for the Governor of the Colony before the appointment of any such person to act as High Sheriff aforesaid, to require the person so appointed to give good and sufficient security for the due performance of his duties as such High Sheriff, and such security shall be in the nature of a bond in the usual form, for such amount as may by the Governor be decided upon, and signed by the person so to be appointed and two or more sufficient sureties.

Saves rights of ex-
isting High Sheriff
and Officers.

6. Nothing in this Ordinance contained shall be held to invalidate the appointment of any High Sheriff, Deputy Sheriff, or Sheriff's Officer already made, or make any re-appointment to such offices or any of them necessary; but all acts, deeds, matters, and things, permitted or required to be done by any such High Sheriff, Deputy Sheriff, or Sheriff's Officer, shall, until any fresh appointment, be good and valid as if the said Act were not hereby repealed.

Short Title.

7. This Ordinance may be cited for all purposes as the "Sheriffs' Ordinance, 1867."

No. 69,

An Ordinance to prevent the violation of Indian Graves.

A.D. 1867.

[5th March, 1867.]

WHEREAS it is expedient for the preservation of the public peace, to make special provision for the protection of Indian Graves, and articles deposited thereon, and to assimilate the Law affecting such matters in all parts of the Colony of British Columbia:

Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. "The Indian Graves Ordinance, 1865," is hereby repealed; provided, however, that all liabilities and penalties imposed and accruing, due under the said repealed Ordinance, and all remedies and punishments for recovering and enforcing the same, shall still, notwithstanding such repeal, remain in full force and effect, and be capable of being enforced and inflicted, as if such Ordinance were still in force, but not further or otherwise.

Repeal of existing Ordinance, with proviso.

2. From and after the passing of this Ordinance, if any person or persons shall steal, or shall, without the sanction of the Government, cut, break, destroy, damage, or remove any image, bones, article, or thing deposited on, in, or near any Indian Grave in this Colony, or induce or incite any other person or persons so to do, or purchase any such article or thing after the same shall have been so stolen, or cut, broken, destroyed, or damaged, knowing the same to have been so acquired or dealt with; every such offender being convicted thereof before a Justice of the Peace, in a summary manner, shall for every such offence be liable to be fined a sum not exceeding one hundred dollars, with or without imprisonment for any term not exceeding three calendar months for the first offence, in the discretion of the Magistrate convicting.

Imposes a penalty of \$100 for removing anything from Indian Graves.

3. In any indictment or other proceeding under this Ordinance, it shall be sufficient for all purposes, to state that such grave, image, bones, article, or thing is the property of the Crown.

Forms of indictment.

4. If any person or persons, so convicted as aforesaid, shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender, for such second or subsequent offence, should the convicting Magistrate in his discretion so deem meet, in addition to suffering the aforesaid fine, be committed to the common gaol, there to be kept to hard labour, for such term not exceeding six calendar months, as the convicting Justice may think fit.

Second offence liable to 6 months imprisonment with hard labour.

5. The Short Title of this Ordinance is "The Indian Graves Ordinance, 1867."

Short Title.

No. 70.

A.D. 1867. An Ordinance to assimilate the general application of English Law.

[6th March, 1867.]

Preamble.

WHEREAS it is expedient to assimilate the Law establishing the date of the application of English Law to all parts of the Colony of British Columbia:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Repeals Proclamation of 19th November, 1858.

1. "The Proclamation having the force of Law to declare that English Law is in force in British Columbia," of the 19th day of November, 1858, is hereby repealed: Provided, however, that such repeal shall not affect any rights acquired, or liabilities incurred or existing before such repeal; but such rights and liabilities, civil and criminal, and all remedies and punishments thereunder shall still, notwithstanding such repeal, be capable of enforcement and imposition, as if this Ordinance had not been passed, but not further or otherwise.

Civil and Criminal Laws of England put in force.

2. From and after the passing of this Ordinance, the Civil and Criminal Laws of England, as the same existed on the 19th day of November, 1858, and so far as the same are not from local circumstances inapplicable, are and shall be in force in all parts of the Colony of British Columbia. Provided, however, that in applying this Ordinance to that part of the Colony previous to the Union known as British Columbia, the said Civil and Criminal Laws as the same existed at the date aforesaid shall be held to be modified and altered by all past Legislation (of the said Colony of British Columbia before the Union, and of the Colony of British Columbia since the Union) affecting the said Colony of British Columbia as it existed before the Union.

Saving as modified by past legislation of British Columbia.

Saving as modified by past legislation of Vancouver Island.

Provided, also, that in applying this Ordinance to that part of the Colony heretofore known as the Colony of Vancouver Island and its Dependencies, the said Civil and Criminal Laws as the same existed at the date aforesaid shall be held to be modified and altered by all past Legislation of the said Colony of Vancouver Island, and of the whole Colony of British Columbia since the Union, affecting the former Colony of Vancouver Island and its Dependencies.

Short Title.

3. The Short Title of this Ordinance is "The English Law Ordinance, 1867."

No. 71.

An Ordinance to declare the Laws relating to Interest.

A.D. 1867.

[6th March, 1867.]

WHEREAS it is expedient to assimilate the Law relating to Interest in all parts of the Colony of British Columbia: Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. "The Interest Ordinance, 1864" is hereby repealed.

Repeals Interest Ordinance, 1864.

2. In all cases of demands either at Law or in Equity in which the parties shall have made no express stipulation for Interest after any definite rate in which in England it would be lawful for the Court or the Jury to allow Interest, it shall be lawful for the Jury or (whenever the Court alone has to decide the facts without a Jury) for the Court to allow such rate of Interest as may be proved just and reasonable, and in cases where not so proved such rate of Interest as may appear just, but not exceeding the rate of one per cent. per mensem, to be reckoned from the time at which Interest would be calculated in England.

Declares legal rate of Interest where no stipulation has been made.

3. The Short Title of this Ordinance is "The Interest Ordinance, 1867."

Short Title.

No. 72.

An Ordinance for the Regulation of Ferries and Bridges.

A.D. 1867.

[6th March, 1867.]

WHEREAS it is expedient to assimilate the Law for the Regulation of Ferries and Bridges in all parts of the Colony of British Columbia: Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. "The Ferry Ordinance, 1866," is hereby repealed; provided, however, that all liabilities and penalties imposed and accruing, due under the said repealed Ordinance, and all remedies, penalties, and punishments, for recovering and enforcing the same, shall still, notwithstanding such repeal, remain in full force and effect, and be capable of being enforced and inflicted, as if such Ordinance were still in force, but not further or otherwise.

Repeal of existing Ordinance, with proviso.

2. From and after the passing of this Ordinance, the Tolls and Duties assessed, and leviable, and payable upon and from all persons, animals, and things made subject thereto, under any

Ferry Tolls leviable in a summary manner before Magistrate.

A.D. 1867.

exclusive Charter, or other grant of Ferriage or Bridge in the Colony of British Columbia, from or by authority of Her Majesty, Her heirs and successors, whether from the Governor direct, or through the Chief Commissioner of Lands and Works and Surveyor General, or any Assistant Commissioner of Lands and Works, or other person duly authorized by the Governor in that behalf, may not only be levied, collected, and enforced under the ordinary process of the Supreme Court of Civil Justice of British Columbia, but also in a summary manner, on a summons upon information on oath before any Magistrate in British Columbia.

Penalty for evasion
of Tolls.

3. Every wilful infraction or evasion by any person whomsoever, of any of the payments, tolls, or duties, or of any of the privileges created or granted under any such Charter or Grant, shall render the offender for every such offence, upon conviction, in addition to any amount of toll due, punishable for a first offence by a fine of any sum not exceeding fifty dollars, and for a second or subsequent offence by a fine of any sum not exceeding one hundred dollars, in addition to the toll, to be levied by distress of the goods and chattels of the offender, and in default or upon the insufficiency of such distress, in the discretion of the Magistrate convicting, by imprisonment for any term not exceeding three calendar months for a first offence, or not exceeding six calendar months for a second offence, and in each case, in the like discretion, with or without hard labour.

Penalty for misbe-
haviour of Ferry or
Bridge Keeper.

4. Every wilful infraction or evasion by any grantee or occupier of a Ferry or Bridge Charter of the duty to keep and maintain in good and proper repair, ready for use at all hours, according to the terms of the Charter (unless prevented by accident, necessary repairs, or stress of weather) sufficient and suitable accommodation for the public using such Ferry or Bridge, according to the full requirements of the Charter, or any misbehaviour or overcharge of the Ferryman or Bridgekeeper in the discharge of his duty, shall upon a similar summons be punishable by a like fine, to be levied and collected in a similar manner by distress, or in default of payment thereof by imprisonment, with or without hard labour, as is lastly above provided in case of the evasion of the tolls sanctioned by such charter.

Reserves public
right of navigation.

5. Nothing herein contained shall interfere with the public right of navigating any navigable waters.

Saves Crown rights.

6. Nothing herein contained shall be construed in any way to limit or abridge the prerogative rights of Her Majesty, Her heirs and successors, or to affect existing chartered rights, over or in regard to Ferries and Bridges of British Columbia.

Short Title.

7. This Ordinance may be cited as "The Ferry Ordinance, 1867."

[No. 73.]

An Ordinance making provision for Barristers-at-Law, Attorneys, Notaries Public, and Articled Clerks, of the late Colony of Vancouver Island.

A.D. 1867.

[7th March, 1867.]

WHEREAS it is expedient to make provision for Barristers-at-Law and Attorneys entitled to practise in the late Colony of Vancouver Island, prior to and at the date of the Proclamation of "The British Columbia Act, 1866," not being now admitted to practise in the Courts of Justice of British Columbia: Preamble.

And whereas it is also expedient to make provision for Clerks articled to such Attorneys at the said date, in the said late Colony, and of Notaries Public duly appointed therein:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. All Barristers-at-Law who were duly admitted and entitled to practise in the late Colony of Vancouver Island and its Dependencies, at the date of the said Proclamation, and not now admitted in the Courts of Justice of British Columbia, shall be deemed to have at the said date, and not earlier, been and to be duly entitled to practise as Barristers-at-Law of the Courts of Justice of the Colony of British Columbia, in the same manner as if they had likewise been at such date duly admitted pursuant to the "Legal Professions Act, 1863." Barristers-at-Law of the late Colony of Vancouver Island, can practise in British Columbia.

2. All Attorneys who were duly admitted and entitled to practise in the said late Colony, at the date of the said Proclamation, as Attorneys, Solicitors, or Proctors, and not now admitted in the Courts of Justice of British Columbia, shall be deemed to have at the said date, and not earlier, been and to be duly entitled to practise as Attorneys, Solicitors, or Proctors respectively, of the Courts of Justice of the Colony of British Columbia, in the same manner as if they had likewise been at such date duly admitted pursuant to the said "Legal Professions Act, 1863." Provided that nothing herein contained shall be construed to limit or abridge the control of the Court over any person practising either in British Columbia or Vancouver Island. Attorneys of the late Colony of Vancouver Island, can practise in British Columbia.

3. All Clerks who were under Articles of Clerkship to such Attorneys in the said late Colony, at the date of the said Proclamation, shall be entitled to the same rights and privileges in all respects as if they had been, during the periods of their service respectively, duly Articled to Attorneys of the Supreme Court of Articled Clerks of the late Colony of Vancouver Island, entitled to the same privileges as if articled to Attorneys of British Columbia.

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Civil Justice of British Columbia, resident in the Colony of British Columbia.

Notaries Public of the late Colony of Vancouver Island, entitled to practise in British Columbia.

4. All Notaries Public duly appointed in the said late Colony, at the date of the said Proclamation, shall be deemed to have then been and to be entitled to practise as such Notaries Public in the Colony of British Columbia.

Short Title.

5. This Ordinance may be cited as the "Legal Professions Ordinance, 1867."

No. 74.

A.D. 1867.

An Ordinance to provide for the taking of Oaths and admission of Evidence in certain cases.

[15th March, 1867.]

Preamble.

WHEREAS it is expedient to provide for the taking of Oaths and admission of Evidence in certain cases, and to assimilate the same in all parts of the Colony of British Columbia:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Repeals "Oaths Act, 1859," and "The Native Evidence Ordinance, 1865," saving existing rights.

1. "The Oaths Act, 1859," and "The Native Evidence Ordinance, 1865," are hereby repealed: Provided, however, that such repeal shall not affect any rights acquired under such Act and Ordinance or either of them, or any liabilities or penalties already incurred under such Act and Ordinance or either of them, or any remedies or punishments prescribed by such Act and Ordinance or either of them, for enforcing the same, but such remedies and punishments may still for the purposes of such enforcement, but not further or otherwise, be held to be available and capable of imposition as if such Act and Ordinance were still in force.

Authorizes affirmation in lieu of oath.

2. If any person called as a witness in any Court of Judicature or required or desiring to take any oath or to make an affidavit or deposition, shall refuse or be unwilling from alleged conscientious motives to be sworn, it shall be lawful for the Court or Judge, or other presiding officer or person qualified to take such oath, affidavit, or deposition, upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn affirmation or declaration in the words following, viz:—

"I. A. B., do solemnly, sincerely, and truly affirm and declare that the taking of any oath is, according to my religious belief, unlawful; and I do solemnly, sincerely, and truly affirm and declare, &c., &c."

3. If any person professing the Roman Catholic Religion shall be required by any lawful authority, or shall be desirous for any purpose to take the oath of allegiance to Her Majesty, Her heirs and successors, it shall be sufficient if he shall in lieu thereof take the oath in the form appointed and set forth in the 2nd Section of the Act made and passed in the Parliament of the United Kingdom, held in the tenth year of His late Majesty King George IV. intituled "An Act for the relief of His Majesty's Roman Catholic subjects."

A.D. 1867.

Removes Roman Catholic disability.

4. If any of the persuasion of the people called Quakers, or any other person under this or any other Law permitted to make his solemn declaration or affirmation in lieu of an oath, or any person professing the Jewish Religion, shall at any time be required by any lawful authority, or shall be desirous for any purpose to take the oath of allegiance to Her Majesty, Her heirs and successors, or any form of oath containing the words "And I make this declaration upon the true faith of a Christian," the said words "And I make this declaration upon the true faith of a Christian," shall be omitted in the form of oath to be taken or the declaration or affirmation in lieu of an oath to be made by such person. And the taking of every such oath, or the making of such affirmation and declaration with such omission as aforesaid, shall have the same force and effect as the taking and subscribing by other persons of the oath containing the said words "And I make this declaration upon the true faith of a Christian."

Quaker's affirmation in lieu of oath.

5. In any civil action, or upon any inquest, or upon any enquiry into any matter or complaint or otherwise, or upon the trial of any crime or offence whatsoever, or by whomsoever committed, it shall be lawful for any Court, Judge, Coroner, Gold or other Commissioner, or Justice of the Peace, in the discretion of such Court, Judge, Coroner, Gold or other Commissioner, or Justice of the Peace, to receive the evidence of any Aboriginal Native, or Native of mixed blood, of the Continent of North America, or the Islands adjacent thereto, being an uncivilized person, destitute of the knowledge of God, and of any fixed and clear belief in religion or in a future state of rewards and punishments, without administering the usual form of oath to any such Aboriginal Native, or Native of mixed blood as aforesaid, upon his solemn affirmation or declaration to tell the truth, the whole truth, and nothing but the truth, or in such other form as may be approved by such Court, Judge, Coroner, Gold or other Commissioner, or Justice of the Peace.

Indian unsworn testimony receivable in certain cases.

6. Provided that in the case of any proceeding in the nature of a preliminary inquiry, the substance of the evidence or information of any such Aboriginal Native, or Native of mixed blood as aforesaid, shall be reduced to writing, and signed by a mark by the person giving the same, and verified by the signature or mark of the person acting as Interpreter (if any), and of the Coroner, Justice

Indian information how taken.

A.D. 1867. of the Peace or person before whom such information or evidence shall have been given.

Preliminary caution. 7. The Court, Judge, Coroner, Gold or other Commissioner, or Justice of the Peace, shall before taking any such evidence, information, or examination, caution every such Aboriginal Native, or Native of mixed blood as aforesaid, that he will be liable to incur punishment if he do not so as aforesaid tell the truth.

Indian declaration evidence. 8. The written declaration or examination made, taken, and verified in manner aforesaid, of any such Aboriginal Native, or Native of mixed blood as aforesaid, being one of such uncivilized persons as hereinbefore described, may be lawfully read and received as evidence upon the trial of any cause civil or criminal in the said Colony, when under the like circumstances the written affidavit, examination, deposition, or confession of any person might be lawfully read and received as evidence.

False declaration perjury. 9. Every solemn affirmation or declaration in whatever form, made or taken by any person as aforesaid, shall be of the same force and effect as if such person had taken an oath in the usual form, and shall in like manner incur the penalty of perjury in case of falsehood.

Short Title. 10. This Ordinance may be cited for all purposes as the "Evidence Ordinance, 1867."

No. 75.

A.D. 1867. An Ordinance for the Protection of Inventions.

[19th March, 1867.]

Preamble. WHEREAS it is expedient to provide for the protection of new and useful Inventions, and to assimilate the Law affecting the same in all parts of the Colony of British Columbia:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Repeals "The Patent Ordinance, 1864." 1. "The Patent Ordinance, 1864," is hereby repealed.

The Governor in Council may protect inventions. 2. The Governor, by Order in Council, may grant such protection to the Inventors of new and useful discoveries and inventions, with such exclusive privileges, under Letters Patent, or otherwise, as to such Governor may from time to time seem just and expedient.

3. No application for such privilege shall be received, unless the same shall have been first enquired into by the Attorney General and Chief Commissioner of Lands and Works (who are hereby authorized to enquire into the same), and shall be accompanied by a Certificate, under their hands and seals, that the invention for which the privileges are sought is new and useful, and fit to receive protection and exclusive privilege.

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—
Preliminary enquiry
and certificate of
Attorney General
and Chief Commis-
sioner of Lands and
Works.

4. Such fees shall be charged and chargeable upon any applica- Fees.
tion for such exclusive privileges, and payable in such manner as shall be prescribed and varied from time to time in that behalf, by any Order of the Governor in Council.

5. Every person infringing any exclusive privilege conferred Penalty.
under this Ordinance, shall be liable in an action for damages before a jury in the Supreme Court of Civil Justice to the party aggrieved.

6. This Ordinance may be cited for all purposes as "The Patents Short Title.
Ordinance, 1867."

No. 76.

An Ordinance to assimilate and amend the Laws relating to
Licences and direct Taxes on Persons.

A.D. 1867.

[22nd March, 1867.]

WHEREAS it is expedient to assimilate and amend the Laws Preamble.
relating to Licences and direct Taxes on Persons :

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. "The Licences Act, 1859," "The Trades Licences Amend- Repeal of certain
ment Act, 1864," and "The Licences Ordinance, 1866," of the Acts, with proviso.
Colony of British Columbia previous to the Union; and "The Act to repeal and amend the Laws affecting Trade Licences," of the year 1862, "The Trade Licence Amendment Act, 1865," "The Liquor Licence Act, 1861," "The Liquor Licence Act, 1866," and "The Salaries Tax Act, 1865," of the formerly separate Colony of Vancouver Island and its Dependencies, are hereby repealed. Provided, however, that such repeal shall not be held to affect any rights acquired under existing Licences, or to liabilities or penalties already imposed and accruing due under such Acts and Ordinances, or any of them, or to the remedies prescribed by such Acts and

A.D. 1867.

Ordinances, or any of them, for enforcing such liabilities or penalties; but such remedies may still, for the purposes of such enforcement, but not further or otherwise, be held to be available as if such Acts and Ordinances were still in force; and provided, also, that such repeal shall not cause to revive any Proclamation, Act, or Ordinance repealed by the said Acts and Ordinances hereby repealed, or any of them.

Trades, &c., Licences as in Schedule A.

2. From and after the passing of this Ordinance, save only as to such persons as have lawfully acquired rights under the said repealed Acts and Ordinances, or any of them, every person using the trades, occupations, professions, or businesses in Schedule A. hereunto annexed particularly described, shall take out a periodical Licence for such period as is in the said Schedule A. set out, paying therefor such periodical sum as is there specified, which said sum shall respectively be paid in advance, to and for the use of Her Majesty, Her heirs and successors.

Penalty for trading, &c., without licence.

3. No person shall use, practise, carry on, or exercise any trade, occupation, profession, or business in the said Schedule A. described or named, without having taken out and had granted to him a Licence in that behalf, under a penalty not exceeding the sum of two hundred and fifty dollars for every such offence, together with the amount which he should have paid for such Licence, which said amount and penalty shall for the purposes of recovery under this Ordinance be held to be one penalty.

Form of Licence, Schedule B.

4. The Licences to be granted as aforesaid, may be in the form in Schedule B. to this Ordinance, and the same are to be granted so as to terminate on the 30th day of June or the 31st day of December, and no proportionate deduction shall be made on account of any person commencing business.

Liquor Licences how granted.

5. No Licence shall be granted to any person for the sale of wines, spirits, beer, or other fermented or intoxicating liquor by retail, unless upon the Certificate of a Justice of the Peace, which said Certificate shall be granted after specific and public application therefor, and after reasonable notice to such Justice, to be given by the applicant, due regard being had in the grant by such Justice of such Certificate to the requirements and convenience of the public, and such Certificate may be in the Form in Schedule C; and such Licence for the sale of fermented and intoxicating liquor by retail shall be granted only to the Licensee, in respect of the premises mentioned in such Certificate; and no person so licensed to sell fermented or intoxicating liquor by retail shall carry on such business in any other premises, except the premises named in such Licence or Certificate, under a penalty not exceeding the sum of two hundred and fifty dollars for every such offence; and such Licences shall be granted so as to terminate on the thirtieth day of June, and the thirty-first day of December, and no proportionate

deduction shall be made on account of any person commencing business. A.D. 1867]

6. Any person who shall forge or alter, or who shall offer, utter, dispose of, or put off, knowing the same to be forged, any Certificate or Licence issued or purporting to be issued under the provisions of this Ordinance, with intent to defraud, shall be guilty of felony, and on conviction thereof shall be liable, at the discretion of the Court, to be imprisoned, with or without hard labour, for any term not exceeding three years. Forgery, &c., felony,

7. Every person selling goods, merchandize, or merchantable commodities by Public Auction, shall, on or before the fifth day of every month, make a return to the Magistrate of the District within which he may carry on his business, or to such other person as the Governor may appoint, or if there be no Magistrate or other person specially appointed, then to the Colonial Treasurer, or person acting as such, of the amount of money, or equivalent for money, received by him during the past month, ending on the last day of every month, in respect of the goods, merchandize, or merchantable commodities sold by him by Auction; and such return shall be in the Form marked D. in the Schedule to this Ordinance; and every person selling by Auction as aforesaid, shall pay to the Magistrate of the District, or other person as aforesaid, an amount equivalent to one and a half per cent. upon the amount so received as aforesaid; and if any person selling by Auction as aforesaid, shall neglect to make such return as aforesaid, he shall be liable to a penalty not exceeding the sum of one hundred dollars; and if any person selling by Auction as aforesaid, shall make any false or fraudulent return of any matters contained in any such return as aforesaid, such person shall, upon conviction thereof, be deemed guilty of a misdemeanor. Auctioneers' Returns.

8. Whenever in this Ordinance any pecuniary penalty is imposed for any offence, the same may, unless otherwise provided, be recovered by way of summary proceedings before any single Justice of the Peace having jurisdiction in the locality in which the offence was committed, and every such penalty may, with the costs of conviction be levied by distress and sale of the goods and chattels of any offender; and in case such goods and chattels shall prove insufficient to satisfy such penalty and costs, then by imprisonment of such person so offending, for any term not exceeding three calendar months. Proceedings for penalties.

9. In case of any summary conviction under this Ordinance, no warrant of commitment upon a conviction shall be held to be invalid by reason of any defect therein, if it be therein alleged that the person offending has been convicted and there be a good and valid conviction to sustain the same. Warrant of commitment.

A.D. 1867.

Interpretation.

10. Whenever in this Ordinance in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include, and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided or there be something in the subject or context repugnant to such construction.

Short Title.

11. This Ordinance may be cited for all purposes as "The Licences Ordinance, 1867."

SCHEDULE A.

- (a.) By each person vending spirituous or fermented Liquors, by retail, for each House or Place in the Colony where such vending is carried on, if in a Town of not less than fifty Inhabitants..... \$100 for every 6 months.
- (b.) Where such retail vending is carried on in a Rural District, not forming part of a Town..... \$30 for every 6 months.
- (c.) By each person not having a retail licence as above, and vending spirituous and fermented Liquors for wholesale, that is to say in quantities of not less than two gallons, for each House or Place in the Colony..... \$25 for every 6 months.
- (d.) By each person keeping a Saloon or Building [6 months. where a Billiard Table is used for hire or profit \$5 for each table for every
- (e.) By each person keeping and letting for hire any Bowling Alley or Rifle Gallery, for each Bowling Alley or Rifle Gallery \$5 for every 6 months.
- (f.) By every person keeping a Dance House..... \$100 for every 6 months.
- (g.) By every person selling Opium, except Chemists and Druggists using the same in the preparation of prescriptions of Medical Practitioners..... \$50 for every 6 months.
- (h.) For every person carrying on the business of a wholesale or of a wholesale and a retail Merchant or Trader..... \$50 for every 6 months.
For every retail Trader..... \$5 for every 6 months.

Such two last mentioned Licences to enable the person paying the same to change his place of abode of business at pleasure, but not to carry on business at two places at the same time under one Licence.

A.D. 1867.

(i.) By every person not having a Free Miner's Certificate, engaged in mining for gold, whether on his own account or for hire, such payment to include a Free Miner's Certificate \$5 for 1 year.

(j.) By every person owning a Pack Train of more than six animals, Freight Waggon, Stage Coach, or Omnibus, used in transporting goods for profit or hire a distance beyond 10 miles from any Town, and not paying a Merchant's or Trader's Licence \$5 for every 6 months.

2. By every person owning a Pack Train or less than six animals, Dray, Waggon, or Omnibus, used in transporting goods and passengers for profit or hire, within a distance of 10 miles from any Town, and not paying a Merchant's or Trader's Licence ... \$2 50 for every 6 months.

3. By every Livery Stable Keeper, not paying Trading Licence \$10 for every 6 months.

4. By every person following the calling of Cattle Drover in the Colony \$50 for every 6 months.

(k.) By every person carrying on, on his own account, the business of a Banker, at one place of business \$400 for 1 year.
and for each other place of business in the Colony.. \$100 for 1 year.

(l.) By every person practising as a Barrister-at-Law, Attorney-at-Law, or Solicitor in the said Colony \$50 for 1 year.

(m.) By every person following the occupation of Conveyancer or Land Agent, or both..... \$25 for every 6 months.

(n.) By every Auctioneer (not being a Government Officer selling by auction Government property) in addition to any other licence in this Schedule..... \$50 for every 6 months.

And 1½ per cent. on returns of sales, exclusive of sale of Real Estate.

(o.) By every person occupying any Crown Lands by making any erections thereon, and carrying on any trade upon the same, in addition to the duties above charged, and for the use of the land so occupied by him \$2 50 for every month.

SCHEDULE B.

FORM OF LICENCE.

No. _____
A. B. has paid the sum of _____ Dollars, in respect of a Licence
to _____, and is entitled to carry on the business or
occupation of _____,
_____, *Magistrate or Collector,*
(as the case may be.)

A.D. 1867.

SCHEDULE C.

I, *A. B.*, of _____, Justice of the Peace for _____, hereby certify that *C. D.* is a fit and proper person to be licensed to sell fermented and intoxicating liquor by retail, such business to be carried on only in the premises following: [*describe them.*]

Dated the _____ day of _____ 18 ____.

SCHEDULE D.

AUCTIONEER'S RETURN.

Name of Auctioneer.	Amount of moneys or equivalents received on account of sales during the month ending.	Amount payable in respect of one and a half per cent. upon the same.

I, *A. B.*, do hereby declare that the above Return is a faithful and true Return of the matters therein set forth, to the best of my knowledge, information, and belief.

(Signed) *A. B.*

No. 77.

A.D. 1867.

An Ordinance to assimilate the Law exempting the Homestead and other Property from forced Seizure and Sale, in certain cases, in all parts of the Colony of British Columbia.

[22nd March, 1867.]

Preamble.

WHEREAS it is expedient to assimilate the Law exempting the Homestead and other Property from forced Seizure and Sale, in certain cases, in all parts of the Colony of British Columbia:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Repeals "The Homestead Act, 1866," with proviso.

1, "The Homestead Act, 1866," of the formerly separate Colony of Vancouver Island and its Dependencies, is hereby repealed. Provided, however, that such repeal shall not affect any rights heretofore acquired under such repealed Act, or any liabilities or

penalties already incurred under such Act, but all such rights, liabilities, and penalties shall be available and capable of imposition respectively as if such Act were still in force.

A.D. 1867.

2. The word "Homestead" shall be held to mean the pieces or Homestead defined. parcels of Land, together with any erections or buildings thereon, whether leasehold or freehold, or both leasehold and freehold, with their rights, members, and appurtenances which shall be duly registered as such in manner hereinafter mentioned; and for the purposes of this Ordinance any erection or building, or any such Homestead as aforesaid, whether or not the same be affixed to the soil, shall be taken to be real estate and part of such Homestead.

3. The Homestead aforesaid shall be registered in manner Mode of registration of Homestead. following:—The owner of such Homestead shall cause the title to the same to be registered by the Registrar of Real Estate as in the case of other real estate, according to the Law in force in that part of the Colony in which such Homestead is situate, and in addition thereto shall cause a notice of registration, which may be in the Form 1 in the Schedule hereunto annexed, to be lodged with such Registrar, accompanied with a Schedule of Instruments evidencing his title to such Homestead, and a declaration to the effect mentioned in Forms 2 and 3 respectively, in the said Schedule: that is to say, in case the owner of any Homestead shall declare his assets to be not less than the sum of two thousand five hundred dollars, then the declaration shall in that case be to the effect mentioned in Form 2; and in case the owner of any Homestead shall declare his assets to be not greater than the value of the Homestead, such Homestead being of less value than two thousand five hundred dollars, then the declaration shall be to the effect mentioned in Form 3, and thereupon it shall be the duty of such Registrar to register such Homestead, if he shall be satisfied that the owner has a prima facie title thereto, and without such notice of registration and such declaration duly declared and filed with such Registrar, as the case may require, such Registrar shall not register such Homestead, and any declaration in the form or to the effect of Forms 2 and 3 respectively, may be made before such Registrar, or any person by Law entitled to receive solemn declarations.

4. Any person wilfully making a false declaration of any matter False declaration a misdemeanor. required or permitted to be declared by this Ordinance shall be guilty of a misdemeanor, and on conviction shall be liable to punishment as for perjury.

5. The Homestead aforesaid, after the same shall have been Homestead, when registered, free from seizure for debt, &c. duly registered, shall be free from forced seizure or sale by any process at Law or in Equity, or on any proceeding in Bankruptcy for or on account of any debt or liability incurred after the registration of such Homestead in manner aforesaid; provided, however:—

A.D. 1867.

In case of its being
of a value not greater
than \$2,500.

If of a greater value
than \$2,500.

Falsehood of decla-
ration to vitiate re-
gistration.

Homestead, if not
otherwise limited, to
enure as an absolute
estate in the owner,
according to its na-
ture.

Owner of Homestead
may abandon, &c.,
but if a married man
with the consent of
his wife, if a resident
of the Colony.

Form of abandon-
ment of Homestead.

- (1.) That in case such Homestead shall at the time of the suing out of any process at Law, or in Equity, or of Bankruptcy, be of a value not greater than two thousand five hundred dollars, then the same shall be wholly exempt from forced seizure or sale.
- (2.) That in case such Homestead shall at the time of such suing out of process at Law, or in Equity, or of Bankruptcy, be of a greater value than two thousand five hundred dollars, then so much only of such Homestead shall be liable to seizure or sale as aforesaid, as shall exceed the sum of two thousand five hundred dollars.
6. The registration of any Homestead under the provisions of this Ordinance, shall be utterly void and of no effect, and all the benefits of this Ordinance shall be forfeited if any declaration of matters required or permitted to be declared shall be false to the knowledge of the person effecting the said registration, or on whose behalf the same shall be registered.
7. It shall be lawful for any person claiming the benefit of the provisions of this Ordinance with respect to any Homestead, at the time of registration or at any time thereafter, to limit any Homestead in favour of such persons and for such estates, and subject to such uses, trusts, and purposes as those to which Lands can now be limited according to the nature and incidents thereof; but in case no special limitation shall be made, the said Homestead shall enure to the owner, for whose benefit the same shall be registered for an absolute estate in the same, according to the nature thereof, subject to the right of the widow as hereinafter mentioned.
8. Nothing herein contained shall be held to prevent the person for whose benefit a Homestead shall be registered at any time from abandoning, aliening, mortgaging, or otherwise parting with, limiting, or encumbering his interest therein, as to him may seem fit, regard being had to the nature, quality, and incidents thereof, and of his power to dispose of the same. Provided, however, that in case the owner of any Homestead be a married man, he shall not during coverture so abandon, alien, mortgage, part with, limit, or encumber the same, except with the consent of his wife, if she be a resident of this Colony, such consent to be given by way of acknowledgment by her in the manner provided for in cases of the execution of instruments affecting real estate within the said Colony by married women; but in case such wife be not a resident no such consent shall be requisite.
9. Any Homestead, and the benefits and privileges conferred upon any person or persons under this Ordinance in respect of any Homestead, may be abandoned by document, which may be in the Form 4 of the Schedule hereunto annexed, duly executed by the

person or persons interested therein; and such document shall be filed in the office of the Registrar, as in this Ordinance aforesaid, and the registration of the Homestead shall be thereupon cancelled in such form as is now used in the cancellation of charges.

A.D. 1867.

10. If any person holding property under this Ordinance shall die intestate, leaving a widow and minor children, the Homestead of the value aforesaid shall wholly pass to such widow, to be held by her during the minority of such children, or while said widow remains unmarried; and the exempted property shall not be sold during such minority, or while such widow remains unmarried, for the payment of any debt which shall have been contracted by any such deceased person subsequent to the due registration of such Homestead.

Widow to inherit Homestead if husband dies intestate.

11. The following personal property shall be exempt from forced seizure or sale by any process at Law or in Equity, or from any process in Bankruptcy, that is to say: the goods and chattels of any Debtor or Bankrupt, at the option of such Debtor or Bankrupt, or if dead, of his personal representative, to the value of one hundred and fifty dollars, the same not being Homestead property under the provisions of this Ordinance.

Personal property of debtor to amount to \$150 exempt from seizure for debt.

12. On the return of any process at Law or in Equity, or in any matter of Bankruptcy, in case any question shall arise in whole or in part, touching any matter provided for by this Ordinance, the Court out of which such process shall issue, or the Court of Bankruptcy, as the case may be, shall dispose of such question between the parties interested therein, by way of summons and order in a summary way; provided, however, that with respect to any matter of fact, such matter shall, at the request of any party interested, be tried with or without a full jury of eight persons, at the option of such persons, and as to any matter involved, not being matter of fact, the Court shall make such order as to partition and sale of any portion of a Homestead which exceeds in value the sum of two thousand five hundred dollars, and, generally, as to costs and other matters, with a view to the final adjustment of any question depending between the parties, as to such Court shall seem fit; provided, however, that in the matter of the sale of any portion of the Homestead, of a value exceeding the sum of two thousand five hundred dollars, due regard shall be had to the choice and preference of the owner and parties interested in the portion reserved from sale; and provided, also, that in case of the sale of a property comprising a Homestead over the value of two thousand five hundred dollars, it shall be lawful for the Court ordering such sale, to order the sale of the whole, or portion or portions of such property, if occasion shall require, for the fair realization of its value, and make such order for the due investment of the residue by purchase of other Homestead property, or by distribution among persons interested

Questions under the Ordinance by which Court decided.

A.D. 1867.

therein, after deducting therefrom the sums due to the Creditors, as to such Court shall seem meet.

Duty of Registrar of
Titles in registering
Homesteads.

13. Every Registrar of Real Estate in the said Colony shall keep proper books, in which all notices of registration of Homesteads, abandonments, and declarations shall be recorded, as also indices referring to the registration, abandonment, and other dealings with Homesteads under this Ordinance, and, in particular, a nominal list of all persons claiming the benefits of Homesteads under the provisions of this Ordinance, with the descriptions of the Homesteads claimed; and, shall further, have the custody of all original notices of registration, declaration, and abandonments, but as to other documents affecting the same, he shall deal therewith as in other cases of Real Estate registered in the Land Registry Office, according to the Law affecting Registration of Land in force in the several parts of the Colony.

Nominal list of per-
sons owning Home-
steads to be inspect-
ed free of charge.

14. The said last mentioned nominal list of persons claiming the benefit of Homestead, shall be open to inspection by the public, free of charge, and all other documents lodged with such Registrars as aforesaid, and relating to the registration or abandonment of, and other dealings with the Homestead, may be inspected by the public on payment of the proper fees in that behalf, as hereinafter mentioned.

Fees of registration,
&c., of Homestead.

15. Every Registrar of Real Estate shall be entitled to take the fees specified in Form 5 in the Schedule to this Ordinance annexed; and, in so far as the fees therein specified do not apply, such Registrar shall be entitled to the like fees which are by Law chargeable under the Laws in force in that part of the Colony in which such Homestead is registered, for matters and things done and performed, or permitted by him, in pursuance of the duties and powers imposed and conferred upon him by the provisions of this Ordinance; all such fees to be paid into the Treasury of the said Colony as General Revenue, for the use of Her Majesty, Her heirs and successors.

Reservation of lia-
bilities in respect of
taxes.

16. Nothing in this Ordinance contained shall be construed as exempting any real or personal property from sale for taxes, or from distress for rent.

Short Title.

17. This Ordinance may be cited for all purposes as "The Homestead Ordinance, 1867."

SCHEDULE.

FORM 1.

Notice of Registration.

I, A. B., of , hereby give notice that I desire to have registered [Lot ,
Section , District , or other description in full], being [tenure freehold

or leasehold] as a Homestead, [and if specially limited add (and I hereby declare that the same is limited as in the Deed hereunto annexed)], under and by virtue of the provisions of "The Homestead Ordinance, 1867."

A.D. 1867.

FORM 2.

For a Homestead of any Value where the Owner declares his Assets to be not less than the full Value of \$2,500.

I, A. B., of , declare that, over and above all debts and liabilities whatsoever to which I am now liable, wheresoever the same may have been incurred, I am seized of or possessed of assets in real or personal estate to an amount not less than the sum of two thousand five hundred dollars.

FORM 3.

For a Homestead of less Value than \$2,500, where the Owner desires to declare his Assets to be not less than the Value of the Homestead at the time of Registry.

I, A. B., of , declare that, over and above all debts or liabilities whatsoever to which I am now liable, wheresoever the same may have been incurred, I am seized or possessed of assets in real or personal estate to an amount not less than the sum of \$ [insert the value of the Homestead registered.] And I the said A. B. hereby declare, to the best of my knowledge and belief, the Homestead hereby registered does not exceed in value the sum of \$ [insert the value of the Homestead.]

FORM 4.

Abandonment of Homestead.

I, of , hereby abandon all Homestead rights in the property registered as a Homestead that is to say [describe the property.]

Dated this day of , A.D. 18 ;

(Signed) L. S.

[If the consent of the wife is required add her acknowledgments as in the case of acknowledgments of deeds by married women.]

FORM 5.

Fees to be taken by Registrar of Real Estate.

For every Registration of land as a Homestead, including the filing of notices and declarations, and deeds filed therewith, but exclusive of all other fees for the registration of the title thereof.....	\$5 00
For every abandonment of a Homestead.....	5 00
For the inspection of original documents affecting a Homestead, per document	0 25
If more than four documents	1 00

No. 78.

A.D. 1867.

An Ordinance to declare the application of the existing
Laws of Customs.

[25th March, 1867.]

Preamble.

WHEREAS by "The British Columbia Act, 1866," it was, among other things, enacted that after and notwithstanding the Union of the heretofore separate Colony of Vancouver Island with British Columbia, the Laws in force in the said separate Colonies respectively at the time of the Union taking effect should, until it were otherwise provided by lawful authority, remain in force as if the said Act had not been passed or proclaimed; save, only, that the Laws relative to the Revenue of Customs in force in British Columbia at the time of the Union taking effect should, until it were otherwise provided, extend and apply to Vancouver Island:

And whereas it is expedient to remove all doubts as to the application of the existing Customs Laws of British Columbia to the collection of Customs Duties in respect of goods, wares, merchandize, and commodities imported into the Colony of British Columbia since the said Union, from that portion of it heretofore known as the Colony of Vancouver Island, such goods not having as yet paid Customs Duties, and to declare the Law thereon :

Be it enacted by the Governor of the Colony of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:—

Extends Customs
Laws of British Co-
lumbia to goods im-
ported from Van-
couver Island.

1. All and every the Customs Laws now in force in British Columbia shall be deemed to have extended and applied, and shall be held to extend and apply to the case of goods, wares, merchandize, and commodities imported or to be imported into all or any port or place in British Columbia, as well from all ports or places without the Colony of British Columbia as from all ports or places of that portion of it heretofore known as Vancouver Island and its Dependencies, and all such goods, wares, merchandize, and commodities so imported or to be imported as aforesaid, shall be held to have been, and to be, and be liable to the payment of British Columbia Customs Duties, except as hereinafter next mentioned.

Excepting goods
that have already
paid duties.

2. Provided, however, that the said Customs Laws, and the collection of Duties in respect thereof, shall not extend or apply to goods, wares, merchandize, or commodities which have already paid the British Columbia Customs Duties in any part of the former Colony of Vancouver Island and its Dependencies since the said Union.

3. All questions of fact arising as to whether any goods, wares, merchandize, or commodities have already paid British Columbia Customs Duties in any part of the former Colony of Vancouver Island and its Dependencies since the said Union, shall be referred to the decision of the Principal Officer of Customs of the Colony of British Columbia, whose judgment therein shall be final, subject only to the authority of the Governor for the time being to order a return of duties, as to him shall seem fit.

A.D. 1867.

Decision of Collector
of Customs on ques-
tion of fact final.

4. All evasions and offences committed by any person or persons to defeat the payment of Duties, hereby declared to be and to have been made payable in respect of goods, wares, merchandize, or commodities imported into any port or place in British Columbia from any port or place in the former Colony of Vancouver Island and its Dependencies, shall be prosecuted and punished with all and singular the same forfeitures as in the case of the evasions or offences committed by any person or persons to defeat the payment of Duties payable in respect of goods, wares, merchandize, or commodities imported into any port or place in British Columbia.

Penalty for evasion
of duties.

5. Provided, however, that no Duties of Customs shall be levied or collected under the provisions of this Ordinance after the thirtieth day of March, A. D. 1867.

Collection of duties
under this Ordi-
nance terminates on
30th March, 1867.

6. This Ordinance may be cited as the "Customs Declaratory Ordinance, 1867."

Short Title.

No. 79.

An Ordinance to amend the Duties of Customs.

A.D. 1867.

[25th March, 1867.]

AMENDED by No.

134.

Preamble.

WHEREAS it is expedient to alter the Duties of Customs as now by Law established in British Columbia, and to make further provision for the levying thereof:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. The British Columbia Proclamation passed on the 2nd June, 1859, "The Customs Amendment Act, 1860," "The Customs Amendment Ordinance, 1861," "The Customs Amendment Ordinance, 1865," are hereby repealed. Provided, nevertheless, that such repeal shall not be deemed to extend to any liabilities or penalties imposed and accruing, due under any of the said Proclamations, Acts, or Ordinances; but, notwithstanding such repeal, all remedies and punishments for recovering and enforcing such

Repeals former Acts.

A.D. 1867.

liabilities and penalties shall still remain in full force and effect, and be capable of being enforced and inflicted as if such Proclamations, Acts, and Ordinances were still in force, but not further or otherwise.

Declares duties leviable.

2. In lieu of the Duties hitherto chargeable as aforesaid, from and after the passing of this Ordinance, there shall be levied, assessed, collected, and paid to the use of Her Majesty, Her heirs and successors:—

Specific Duties, Schedule A.

(a.) Upon all goods, wares, merchandize, animals, and things imported into and landed in British Columbia, and more particularly mentioned in Schedule A. hereto, the several specific Duties in such Schedule set opposite the respective articles therein named:

Ad valorem Duties, Schedule B.

(b.) And upon all goods, wares, merchandize, animals, and things imported into and landed in British Columbia, the several ad valorem Duties of Customs more particularly mentioned in Schedule B. hereto, and set opposite the respective articles therein named:

Free list, Schedule C.

(c.) The articles mentioned in Schedule C. hereto, shall be admitted into British Columbia free of duty.

Invoice to be produced.

3. With the Bill of Entry on any goods, there shall be produced to the Collector of Customs an Invoice of the goods, and the Bill of Entry shall also contain a statement of the value for duty of the goods therein mentioned, and shall be signed by the person making the entry, and verified, if required, by his declaration to the truth thereof; and no entry shall be deemed perfect unless a sufficient Invoice of the goods to be entered has been produced to the Collector.

Penalties for fraudulent Invoice.

4. If any person passes, or attempts to pass, through the Custom House, any false or fraudulent Invoice, or makes out or passes, or attempts to pass, a Bill of Entry of any goods at a value below the fair market value of such goods in the country from which such goods were shipped or exported, or in any way by under valuation, or otherwise attempts to defraud the Revenue of any part of the duty on any goods or things liable thereto, every such person shall, on conviction (in addition to any other penalty or forfeiture to which he may be subject for such offence), be liable to a penalty not exceeding five hundred dollars, and the goods so undervalued shall be and be taken and deemed to be forfeited.

Appraisers how appointed.

5. And inasmuch as it is expedient to make such provisions for the valuation of goods subject to ad valorem duties as may protect the Revenue and the fair trade against fraud, by the undervaluation of any such goods, therefore, the Governor may, from time to time, and when he deems it expedient, appoint fit and proper persons to be appraisers of goods at the port of entry; and every such appraiser shall before acting as such, take and subscribe the following oath of

office, before some Justice of the Peace for this Colony, and deliver the same to the Collector. Every such appraisement shall be final.

A.D. 1867.

"I, A. B., having been appointed an appraiser of goods, wares, and merchandize, and to act as such at the port of (or as the case may be) do solemnly swear (or affirm) that I will faithfully perform the duties of the said office, without partiality, fear, favour, or affection, and that I will appraise the value of all goods submitted to my appraisement, according to the true intent and meaning of the Law imposing Duties of Customs in this Colony; and that I will use my best endeavours to prevent all fraud, subterfuge, or evasion of the said Laws, and more especially to detect, expose, and frustrate all attempts to undervalue any goods, wares, or merchandize, on which any duty is chargeable. So help me God.

"A. B., Appraiser for (as the case may be).

"Sworn before me, this day of 18 .

"E. F., J. P. for (as the case may be)."

6. If no appraiser is appointed to any port of entry, the Collector there shall act as appraiser, but without taking any special oath of office as such; and the Governor may at any time direct any appraiser to attend at any port or place for the purpose of valuing any goods, or of acting as appraiser there during any time, which such appraiser shall accordingly do, without taking any new oath of office; and every appraiser shall be deemed an Officer of Customs.

Collector when to act as appraiser.

7. In all cases where any duty is imposed on any goods or things imported into this Colony, according to the value of such goods, such value shall be understood to be the fair market value thereof in the principal markets of the country whence the same were shipped or exported to this Colony; and the Collector and Appraiser shall, by all reasonable ways and means in their power, ascertain the fair value of such goods as aforesaid, and estimate the value for duty accordingly.

Value of the goods to be fair market value.

8. The Duties hereby imposed shall be deemed to be Customs Duties, in all respects subject to the Customs Consolidation Act, 1853, the Supplemental Customs Consolidation Act, 1855, and this Ordinance; and shall be under the care and management of the Collector of Customs for the time being for the Colony, who by himself and his Officers shall have all the powers and authorities for the collection, recovery, and management thereof as are, under or by virtue of the said Customs Consolidation Acts, or either of them, or this or any other Act, Ordinance, or Proclamation, vested in the said Collector for the collection, recovery, and management of Duties of Customs, and all other powers and authorities requisite for levying the said Duties.

Duties to be collected as Customs Dues.

9. Every evasion or attempt at evasion of, or offence committed by any person or persons, to defeat the payment of any of the

Penalties for evasion.

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Duties hereby made payable on any goods or things imported into British Columbia (which shall include its Dependencies) will, in addition to the penalties by this Ordinance imposed, be prosecuted and punished in the manner prescribed by the said Customs Consolidation Acts.

Schedules part of Ordinance.

10. The Schedules hereto shall be read as part of this Ordinance.

Short Title.

11. This Ordinance may be cited for all purposes as the "Customs Ordinance, 1867."

SCHEDULE A.

Specific Duties.

Ale and Porter, in wood	15c. per gall.
Do., in bottle.....	30c. per doz. (qts.)
Bacon and Hams	4c. per lb.
Barley, Oats, Malt, and Field Peas.....	30c. per 100 lbs.
Beans and Split Peas	1c. per lb.
Bitters	\$1.50 per gall.
Butter	10c. per lb.
Bran and Shorts	25c. per 100 lbs.
Buck Wheat.....	1c. per lb.
Candles	5c. per lb.
Cheese	5c. per lb.
Cider.....	15c. per gall.
Cigars	\$2 per 100 (2c. each.)
Coal	\$1.25 per ton.
Coffee, raw	3c. per lb.
Do, manufactured	6c. per lb.
Cornmeal	$\frac{1}{2}$ c. per lb.
Eggs	12 $\frac{1}{2}$ c. per doz.
Flour.....	\$1.50 per barrel.
Fresh Fruits, viz. :—Apples, Pears, Plums, Cherries, Currants, Raspberries, Strawberries, and Goose- berries	1c. per lb.
Gunpowder, sporting	6c. per lb.
Do., blasting	3c. per lb.
Hay	\$4 per ton.
Hops.....	10c. per lb.
Lard	5c. per lb.
Lime	50c. per bbl.
Lumber :—	
Rough, fir and cedar	\$3 per 1000 feet.
Dressed, do.	\$5 per 1000 feet.
Shingles	\$1 per 1000.
Fence Pickets.....	\$2 per 1000.
Laths.....	\$1 per 1000.

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Live Stock :—

Horses and Mules.....	\$2 per head.
Beef Cattle	\$3 per head.
Milch Cows.....	\$2 per head.
Sheep and Goats.....	75c. per head.
Hogs	\$2 per head
Oatmeal.....	1c. per lb.
Potatoes	½c. per lb
Rice.....	1½c. per lb.
Sugar, raw	2c. per lb.
Do., refined	2½c. per lb.

Spirits :—

Brandy	\$2 per gall., according	[to proof.
Gin, Whiskey, Rum,	\$2	" " "
All other kinds.....	\$2	" " "

Shot

2c. per lb.

Tea

12½c. per lb.

Tobacco.....

25c. per lb.

Vegetables, viz. :—

Onions

2c. per lb.

Other kinds, fresh

1c. per lb.

Wheat

35c. per 100 lbs.

Wines, viz. :—

Champagne and Moselle	\$3 per doz. (qts.)
China Medicated	\$1.50 per gall.
California, red and white.....	25c. per gall.
Claret	20c. per gall.
Port, Sherry, and all other descriptions.....	75c. per gall.

SCHEDULE B.

Ad valorem Duties.

PER CENT.	PER CENT.
Axes	15
Beef, salt.....	10
Billiard and Bagatelle Tables... 12½	12½
Blankets	20
Boots and Shoes	20
Bread.....	20
Cards, playing.....	50
Chocolate.....	20
Clothing, ready made	15
Confectionery	30
Drugs, medicines.....	20
Dry Goods.....	12½
Earthenware	12½
Fish, preserved, dried, and salt. 15	15
Firearms	12½
Fruits, preserved and dried.... 12½	12½
Furniture	15
Glass and Glassware	12½
Groceries.....	12½
Hardware and Ironmongery.... 12½	12½
Harness and Saddlery	20
Hemp Canvas.....	2½
Leather	15
Jewellery.....	20
Machinery	10
Matches	12½
Meat, preserved.....	12½
Do. fresh	20

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	PER CENT.		PER CENT.
Molasses.....	12½	Vegetables, preserved and salt..	10
Nails	12½	Waggons, Carriages	20
Nuts and Almonds.....	12½	Trunks	12½
Oils	15	Watches and Clocks	12½
Opium.....	25	Window Sashes and Doors.....	20
Paints	10	Ship building material, viz.:—	
Pork, salt	10	Manufactured Sails.....	20
Plants, trees, and shrubs	12½	Cotton Canvas	5
Poultry, dead and alive	25	Woodenware	12½
Quicksilver	10	Yeast Powders.....	12½
Rope, Cordage, and Twine.....	5	All other articles not enumer-	
Soap	15	ated in either of the above	
Stationery	12½	lists, nor in the following list	
Tinware	25	of free goods	12½

SCHEDULE C.

The following Articles shall be admitted Free of Duty.

Agricultural Implements, Books Printed and Manuscript, Bricks, all Fresh Fruits not enumerated in Schedule of Specific Duties, Coin, Gunny Sacks, Iron and Steel, all kinds of Woods not enumerated in Schedule of Specific Duties, Calves under twelve months old, Personal Effects, Salt, Garden Seeds, Grain for Seed, Tar and Pitch, Tin, Copper, and Zinc, Lead in pipe, sheets, and bars, Wire (Iron and Brass), Copper Sheets, Boiler-plates and Bolts, and patent metal for Ships, Iron Hoops, Sheet Iron, Rough and partially Manufactured Woods used in construction of Carriages and Waggons, and Steel Springs, Waggon Axles, Anchors, Cables, Chains, and Copper Bolts for Ship Building, Fresh Fish, Fish Oil, Whalebone, Raw Hemp for Rope Making, Tallow, Gas Retorts, Fire-clay, Furs, Hides, Lemon and Lime Juice, Guano, Wool, Oakum and Jute, Ships' Blocks and Junk, Blacksmiths' Coal.

No. 80.

A.D. 1867.

An Ordinance to authorize the issue of Debentures for short temporary Loans.

[30th March, 1867.]

Preamble.

WHEREAS it is expedient to authorize the issue of Debentures for the purpose of paying off existing temporary Loans, to be secured upon the General Revenue of the Colony, in manner hereinafter declared:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

A.D. 1867.

Authorizes issue of
Debentures.

1. It shall be lawful for the Governor for the time being of the said Colony, from time to time or at any time hereafter, to cause to be made out and issued Debentures, to be called "Exchequer Debentures" and secured upon the General Revenue of the Colony, for such sum or sums of money not exceeding One Hundred and Fifty Thousand Dollars in the whole, as may be required to meet the existing liabilities of the Government.

2. Such Debentures shall bear Interest at a rate not exceeding twelve per centum per annum, payable half-yearly on the 1st January and 1st July in each year, and shall be redeemable at any time not more than two years after the issue thereof, and upon not more than three calendar months' notice being given by the Government to the holders thereof.

Fixes rate of inter-
est.

3. Every Debenture shall be for any sum or sums not less than Five Hundred Dollars, and, together with the interest thereon, shall be payable at such place as the Governor shall appoint in that behalf.

Debentures to be
not less than \$500.

4. All Debentures made out and issued under this Ordinance shall be signed by the Treasurer of the Colony, and countersigned by the Colonial Secretary of the Colony, or the persons acting as such respectively for the time being, on behalf of the Government of British Columbia, and shall be entered by the Auditor General of the said Colony in a Register to be called the "Exchequer Debenture Register," and such Debentures shall be deemed a charge upon all the Revenues of the Colony from whatever source arising, and in order of priority next after the existing charges upon the said Revenues as already by Law imposed.

Debentures how
made out.

5. The said Debentures shall be in the Form marked A. set forth in the Schedule hereto, and shall bear date on the day of the issuing thereof, and shall be numbered arithmetically, beginning with number one.

In form in Schedule
A.

6. The said Debentures shall be made payable to the bearers thereof, and shall pass by delivery only, and without any assignment or endorsement, and the holder or bearer for the time being of every such Debenture shall have the same rights and remedies in respect of the same as if he were expressly named therein.

Debentures payable
to bearer.

7. It shall be lawful for the said Governor to authorize the whole or any portion of the said Debentures to be negotiated, contracted for, or sold by the Treasurer of the Colony or other Agent duly authorized by the Governor, and at such times, in such sums, and in such manner as he may direct, provided the same be not issued at less than par.

Governor may au-
thorize sale of De-
bentures.

8. All moneys raised under this Ordinance shall be paid to the use of Her Majesty, Her heirs and successors, in such manner as the said Governor shall prescribe, for the purposes mentioned in

How to be accounted
for.

A.D. 1867.

Section 1, and shall be accounted for as if they formed part of the current Revenue of the Colony.

Debentures how to
be paid off and re-
deemed.

9. It shall be lawful for the Governor from time to time to authorize the said Treasurer of the Colony, or other person acting in that capacity for the time being, to redeem and pay off any of the said Debentures to such amount as shall, out of the current Revenue of the Colony, or otherwise, be appropriated by the Governor for that purpose, and all Debentures purchased and redeemed shall be cancelled and destroyed, and no re-issue of Debentures shall be made in consequence of such re-purchase and destruction.

Forgery felony.

10. Any person who shall, or shall attempt to, forge, or alter, or utter, or dispose of, or put off, knowing the same to be forged or altered, any Debenture made out and issued, or purporting to be made out and issued under this Ordinance, shall be guilty of Felony, and being convicted thereof shall be imprisoned for any period not exceeding three years, with or without hard labour, at the discretion of the Judge before whom any such person shall be tried and convicted.

Short Title.

11. This Ordinance may be cited for all purposes as the "Exchequer Debenture Ordinance, 1867."

SCHEDULE A.

FORM OF DEBENTURE.

GOVERNMENT OF BRITISH COLUMBIA.

Under the authority of the "Exchequer Debenture Ordinance, 1867."

This Debenture entitles the Bearer to Dollars on the day of 18 , which sum together with the Interest thereon, at and after the rate of per cent. per annum, (payable half-yearly) is secured on the General Revenue of the Colony of British Columbia.

Dated the day of A.D. 186 .

Treasurer.

Countersigned, _____

Colonial Secretary.

Entered in Exchequer Debenture Register, _____

Auditor.

No. 81.

A.D. 1867.

An Ordinance respecting the Legal Professions.

EXTENDED to V. I.,
by No. 102.

[1st April, 1867.]

WHEREAS it is expedient to regulate by Statute the admission of all persons who shall be allowed or entitled to practise in the Courts of this Colony as Barristers, Attorneys, Solicitors, and Proctors:

Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. "The Legal Professions Act 1865," passed in the late Colony of Vancouver Island, is hereby repealed, save as to all rights acquired, and liabilities incurred thereunder.

Repeals "The Legal Professions Act, 1865."

2. "The Legal Professions Act, 1863," of this Colony shall be and the provisions thereof are hereby extended over this Colony as at present constituted, save as herein amended, that is to say: the Form A. in the Schedule of this Ordinance shall be and the same is hereby substituted for and in lieu of the Form A. in the Schedule of the said "Legal Professions Act, 1863."

Extends provisions of "The Legal Professions Act, 1863," over United Colony.

3. Sections 1, 2, 3, and 4, and the third or last sentence of Section 10 of the Order of the Court of British Columbia, made by the Judge of the said Court, in pursuance of a Proclamation made and passed on the 24th day of December, 1858, are hereby discharged and repealed.

Repeals certain Sections of Order of Court, 1858.

4. The remaining part of Section 10, with Sections 11 and 12, of the said Order of Court are hereby adopted, and it shall form part of this Ordinance. Provided, however, that it shall be lawful for the Judges of the Supreme Court of Civil Justice of British Columbia, with the concurrence of the Governor in Council, from time to time, and at any time hereafter, to discharge, revive, or vary such last mentioned Sections of the said Order of Court.

Adopts certain Sections of said Order.

5. The Schedule hereto shall be deemed a part of this Ordinance.

Schedule.

6. This Ordinance shall come into operation on the first day of July, 1867.

Date of operation.

7. This Ordinance may be cited for all purposes as the "Legal Practitioners' Ordinance, 1867."

Short Title.

A.D. 1867.

SCHEDULE.

FORM A.

Form of Declaration.

I, A. B. of _____ do solemnly and sincerely declare that I am a Barrister-at-Law [or *Advocate*], duly authorized to practise in the Superior Courts (not having merely local jurisdiction) of England, [Ireland, Scotland, or Her Majesty's Colony of _____ as the case may be] and that I was called to the Bar by the Honourable Society of _____, [or duly called to the Bar, and admitted, and enrolled as a Barrister in the _____ Court, in the said Colony;] [[variation for an Attorney or Solicitor; that I am an an Attorney of Her Majesty's _____ Court at Westminster, or Solicitor, Proctor, or Writer to the Signet, as the case may be, and that I was duly admitted and enrolled as an Attorney [or Solicitor as the case may be], of the said Court at Westminster, [if in one of Her Majesty's Colonies vary the wording accordingly] on the _____ day of _____]]

And that I am the person named in the Certificate now produced, and that I am a British Subject by birth [or *naturalization, if naturalized state the date*]. And that I am truly qualified to act in the capacity of _____ according to the tenor of my qualification, and that I have never been disqualified, nor done any act whereby, or by reason whereof, I may be or become disqualified, and that no application or proceeding whatsoever is now pending against me in any part of Her Majesty's Dominions, with the object of disqualifying me, or by reason whereof I might have become disqualified from acting as a Barrister, [Advocate, Attorney, Solicitor, Proctor, or _____, as the case may be].

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the fifth and sixth years of the Reign of His late Majesty, King William the Fourth, c. 62, intituled "An Act to repeal an Act of the present Session of Parliament intituled an Act for the more effectual abolition of Oaths and Affirmations, taken and made in the various Departments of the State, and to substitute declarations in lieu thereof, and for the more entire and effectual suppression of voluntary and extra judicial Oaths and Affidavits, and to make other provisions for the abolition of unnecessary Oaths."

Signature of Declarant_____

Made and subscribed at _____ this _____ day of _____ A. D. _____
before me,

Form of Declaration by a Doctor of Civil Law.

I, A. B. of _____ do solemnly and sincerely declare that I am a Doctor of Civil Law of the University of _____, and was duly admitted to that Degree at _____, on the _____ day of _____. And that I am the person named in the Certificate now produced, and that I am a British Subject by birth, [or *naturalization, if naturalized state the date*]. And I make this solemn declaration, &c., [concluding as above].

No. 82.

An Ordinance to render uniform the Laws establishing a
Decimal System of Accounts, and regulating the Currency
of the Colony. A.D. 1867.

[2nd April, 1867.]

WHEREAS it is expedient to render uniform the Laws estab- Preamble.
lishing a Decimal System of Accounts, and regulating the
Currency in all parts of the Colony:

Be it enacted by the Governor of British Columbia, with the
advice and consent of the Legislative Council thereof, as follows:—

1. "The Currency Act, 1862," of the former Colony of Vancou- Repeals former Acts.
ver Island and its Dependencies, and "The Decimal Currency
Ordinance, 1865," and "The Currency Adjustment Ordinance,
1866," of the Colony of British Columbia, previous to the Union,
are hereby repealed.

2. The Public Accounts of the Colony shall be kept in Dollars Public Accounts to
be kept in Dollars
and Cents.
and Cents; and all Accounts to be rendered to the Government, or
to any Public Office or Department in the said Colony, by any Officer
or Functionary, or by any person receiving aid from the Colony,
or being otherwise accountable to the Government thereof, shall
be so rendered in Dollars and Cents.

3. Except as to Fines, Forfeitures, Duties of Customs, and other Equivalent moneys
of account.
the sums hereinafter excepted, the following Gold and Silver Coins
shall pass current for and be a legal tender for the sums set oppo-
site to them:—

The Pound Sterling, or Sovereign, for Four Dollars and Eighty-
five Cents;

The Half-Sovereign, Two Dollars and Forty-two and a half Cents;

The Crown piece, One Dollar and Twenty-five Cents;

The Half-Crown piece, Sixty-two and a half Cents;

The Shilling, Twenty-five Cents;

The Sixpence, Twelve and a half Cents;

The Threepenny piece, Six Cents;

The Gold Eagle of the United States of America, coined after
January 18th, 1837, Ten Dollars;

The Twenty Dollar piece, coined after the like date, Twenty
Dollars;

The Five Dollar piece, coined after the like date, Five Dollars;

The Two and a half Dollar piece, coined after the like date, Two
Dollars and Fifty Cents;

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The Dollar Gold piece, coined after the like date, One Dollar;
 The Silver Dollar piece, One Dollar;
 The Half-Dollar, Fifty Cents;
 The Quarter Dollar, Twenty-five Cents;
 The Dime, Ten Cents.

Tender of Silver
 Coins limited.

4. Silver Coins shall not be a legal tender to the amount of more than Ten Dollars; and the holder of Notes or other Documents purporting to be evidence of debt of any person or persons, or body corporate, to the amount of more than Ten Dollars, shall not be bound to receive more than that amount in Silver Coins in payment of such Notes or other Documents as aforesaid, if they are presented for payment at one time, although each or any of such Notes or other Documents be for a less sum than Ten Dollars.

Scale for converting
 sterling in local laws
 into Currency.

5. All Fines, Fees, Forfeitures, Duties of Customs, and other the sums of money made payable to the use of Her Majesty, Her heirs and successors, in sterling, and which may be due or leviable under the provisions of any Act of the Imperial Parliament now or hereafter to become in force in this Colony, or of any Proclamation, Ordinance, or Act now in force in this Colony, or any part thereof, shall be levied, assessed, and collected according to the following scale of conversion, that is to say:—

In lieu of Half-penny Sterling, One Cent;

In lieu of One Penny, Two Cents;

In lieu of One Shilling, or One Shilling and a Half-penny, Twenty-five Cents;

In lieu of Two Shillings, or Two Shillings and One Penny, Fifty Cents;

In lieu of Four Shillings, or Four Shillings and Two pence, One Dollar;

In lieu of Six Shillings, or Six Shillings and Three Pence, One Dollar and Fifty Cents;

In lieu of Eight Shillings, or Eight Shillings and Four Pence, Two Dollars; and so on in like proportion;

And, in lieu of the Pound Sterling, Five Dollars.

Short Title.

6. This Ordinance may be cited for all purposes as “The Currency Ordinance, 1867.”

No. 83.

An Ordinance to assimilate the law empowering the Governor to create Ports of Entry in British Columbia. A.D. 1867.

[2nd April, 1867.]

WHEREAS it is expedient for the purposes of commerce to assimilate the law empowering the Governor to create Ports of Entry in all parts of the Colony: Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. "The Port of Entry Ordinance, 1865," is hereby repealed, Repeals Port of Entry Ordinance, 1865.
save and except as to all rights acquired and acts done thereunder.

2. From the date of the passing of this Ordinance, it shall be lawful for the Governor, by Proclamation under his hand and seal, published in the Government Gazette, to constitute, erect, and appoint any Ports in the Colony to be Ports of Entry, to the extent named in such Proclamation, and from time to time, by Proclamation similarly promulgated, to limit, vary, abolish, or renew any Ports of Entry so created, as in the discretion of the Governor may seem meet. Governor may create Ports of Entry by Proclamation.

3. This Ordinance may be cited for all purposes as "The Port of Entry Ordinance, 1867." Short Title.

No. 84.

An Ordinance to assimilate the law regulating the Postal Service.

[2nd April, 1867.]

WHEREAS it is expedient to assimilate the law regulating the Postal Service to all parts of the Colony of British Columbia: Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. From and after the passing of this Ordinance, "The Postal Ordinance, 1864," is hereby repealed; provided, however, that such repeal shall not affect any rights acquired under such Ordinance, or any liabilities or penalties already incurred under such Ordinance, or any remedies or punishments prescribed by such Ordinance for enforcing the same, but such remedies and punishments Repeals Postal Ordinance, 1864.

A.D. 1867.

may still for the purpose of such enforcement, but not further or otherwise, be held to be available and capable of imposition as if such Ordinance were still in force.

Establishment of
Post Offices.

2. It shall be lawful for the Governor to establish for the reception and transmission of Letters and other Mail matter, as many Post Offices throughout the Colony as he may from time to time deem necessary.

Appointment of
Postmasters.

3. It shall also be lawful for the Governor, from time to time to appoint a Postmaster General and such Postmasters in the Colony as he shall deem necessary, to hold office during his pleasure, and to prescribe and vary the mode and amount of their remuneration and securities, the nature and extent of their duties; and it shall be lawful for the Postmaster General, subject to the directions of the Governor, to regulate the weight and dimensions of letters, to define the various kinds of postal matter, to prohibit the sending of dangerous or improper articles by post, to prepare and distribute such Colonial Stamps for the pre-payment of postage, to order such pre-payments, and generally to make all such other regulations for the more effective management of the Post Office Department throughout the Colony, as to such Postmaster General (subject as aforesaid) shall seem expedient for the public service.

Regulation of Postal
details.

Tenders for Mail
service.

4. It shall be lawful for the Governor to direct the Postmaster General to advertise for tenders for the conveyance of Mails within the said Colony.

Mail Contracts.

5. The Postmaster General, or such other person as may be authorized by the Governor in that behalf, may, with the approval of the Governor, enter into contracts for the conveyance of Mails in the Colony.

Postmaster General
may sue and be sued.

6. In all proceedings and things whatsoever relating to the Post Office or Postal matters, the Postmaster General may sue and be sued in his own name.

Property in Postal
matters.

7. In all proceedings whatsoever relating to Postal matters, in which it shall be necessary or usual to allege or prove property, every letter, paper, and matter being conveyed by, to, or from, or deposited in or with any Post Office, or Postmaster, or other person in the employ of the Post Office in the Colony, shall for the purposes of this Ordinance be deemed and laid as the property of the Postmaster General.

Loose letters.

8. Every master or person in charge of any vessel arriving from parts beyond the seas shall be entitled to receive two cents for every letter not included in any Mail delivered to the Postmaster at any Port in the Colony, or to any person authorized by him to receive the same.

9. That every letter deposited in or passing through any Post Office in the Colony, and not exceeding half an ounce in weight, there shall be paid postage according to the following scale, that is to say:—

A.D. 1867.
Rates of Postage on Letters.

At or between Victoria or any Post Office in Vancouver Island and New Westminster, or any Port in the Colony..... 5 Cents.

Between Vancouver Island or New Westminster and Clinton or Savana's Ferry..... 12½ Cents.

Beyond those distances..... 25 Cents.

Between any two Post Offices above Yale, Hope, and Douglas 12½ Cents.

And for every additional half an ounce, or fraction of half an ounce beyond the above weight, there shall be paid on each such letter an additional postage according to the foregoing rates.

10. That for every single newspaper deposited in or passing through any Post Office in the Colony there shall be paid a postage of two cents.

Rates of Postage on Newspapers.

11. The Postmaster General, with the approval of the Governor, may enter into contracts with Foreign countries, for the conveyance and transmission of Mails to and from British Columbia, from and to such countries.

Foreign Mail Contracts.

12. It shall be lawful for the Postmaster or other officer of the Post Office Department, duly authorized, at any place, to open, search, and examine the letter bags, or parcels, packages, or persons of any Express Companies or parties suspected of conveying letters or other Mail matter liable to Postage under this Ordinance, without previous pre-payment thereof.

Power to search for Letters unlawfully carried.

13. All letters on public service, marked over the address "On Her Majesty's Service," and bearing the name of the writer or department on the left hand corner, shall pass free.

Franking Letters.

14. Every Postmaster shall on the last Monday of every month, cause a list of the then remaining unclaimed or undelivered letters, to be made out in writing and affixed to some conspicuous part of the Post Office, there to remain for the space of ninety days, after which period all such letters then remaining unclaimed or undelivered, shall be transmitted by the Postmaster to the Postmaster General, who shall advertise the same for the space of one month in the Government Gazette. The Postmaster General shall have authority to open such letters, and to return them to the writers thereof, after the expiration of nine calendar months from the date of such advertisement.

Unclaimed Letters.

15. Any person who shall steal, embezzle, secrete, or destroy any post letter bag, or packet, or post letter, or any chattel, money,

Offences declared felony.

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security, or thing whatsoever, in such bag, packet, or letter contained, or unlawfully open any post letter bag or packet, or unlawfully take any letter or thing out of such bag or packet, or forge, or be engaged in or accessory to forging or attempting to forge any Postage Stamp or form issued or used, or to be issued or used under the authority of this Ordinance, shall be deemed guilty of a felony, and punishable by imprisonment for life by any Court having jurisdiction in that behalf.

Offences punishable
by fine.

16. Any person or persons, corporation, firm, or partnership whatsoever, that shall knowingly and with intent to defraud the Revenue, convey, or be concerned in the conveyance of any letter or other Mail matter liable to postage, and on which the rate of postage by this Ordinance prescribed shall not have been pre-paid, shall be liable upon conviction for each such offence, to a fine of not less than twenty-five dollars or exceeding two hundred and fifty dollars; every such penalty may be recovered upon conviction before any Justice of the Peace or other Magistrate in the Colony, in a summary manner, and in each such case the informer shall be entitled to receive half the penalty recovered, the remainder shall be paid to the use of Her Majesty, Her heirs and successors, and be accounted for as part of the Revenue.

Every such penalty or fine, shall be recovered by warrant of distress of the goods and chattels of the offender.

And in case of default in payment of such fine, or of the insufficiency of such distress, the offender shall for every such offence be liable to an imprisonment not exceeding three calendar months, at the discretion of the Justice or Magistrate convicting.

Separate offences.

17. The conveyance, or attempt to convey, any letter, paper, or Mail matter liable to postage, without the previous payment to the Post Office Department of the proper postage thereon, shall for every such letter or thing be deemed a separate offence, and be punishable accordingly.

Offences punishable
in any part of the
Colony.

18. Any offence under this Ordinance may be dealt with, indicted, tried, and punished in any place or district in the Colony, where the offence is committed, or in which the offender is apprehended or in custody, as if actually committed in such place or district.

All Letters to be
pre-paid.

19. All letters, papers, and other Mail matter not hereinbefore made free of postage, transmitted within the Colony, shall be pre-paid.

Interpretation
Clause.

20. In the construction of this Ordinance the word "Governor" shall be held to mean the Governor of this Colony or other the Officer administering the Government of this Colony for the time being, and whenever in this Ordinance in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood

to include, and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided or there be something in the subject or context repugnant to such construction.

A.D. 1867.

21. This Ordinance may be cited for all purposes as "The Postal Short Title. Ordinance, 1867."

No. 85.

An Ordinance to assimilate and amend the Law prohibiting the sale or gift of Intoxicating Liquor to Indians.

A.D. 1867.

[2nd April, 1867.]

WHEREAS it is expedient to assimilate the Law prohibiting the sale or gift of Intoxicating Liquor to Indians in all parts of the Colony of British Columbia, and to amend the same: Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. "The Indian Liquor Act, 1860," of the Colony of Vancouver Island and its Dependencies, and "The Indian Liquor Ordinance, 1865," of the Colony of British Columbia, are hereby repealed: Repeal of preceding Acts and Ordinances with proviso.
 Provided, however, that such repeal shall not have the effect of reviving any Proclamations, Ordinances, or Acts respectively repealed by the said Act or Ordinance hereby repealed, or either of them; and, provided also, that all liabilities and penalties imposed and accruing due under the said repealed Act and Ordinance, or either of them, and all remedies and punishments for recovering and enforcing the same shall still, notwithstanding such repeal, remain in full force and effect, and be capable of being enforced and inflicted as if such Act and Ordinance were still in force, but not further or otherwise.

2. Any person selling, bartering, or giving, or attempting to sell, barter, or give intoxicating liquor to any Indian of the Continent of North America, or of the Islands adjacent thereto, shall be liable on conviction for each such offence, to a fine not exceeding five hundred dollars. Imposes a penalty of \$500 for selling liquor to Indians.

3. Any person found in possession of intoxicating liquor of any description in the house, tent, or place of abode of any Indian, is liable under this Ordinance to be deemed prima facie to be in such house, tent, or place of abode, for the purpose of giving such intoxicating liquor to Indians, and shall upon conviction be liable to a fine not exceeding five hundred dollars, and imprisonment not exceeding six months. Persons found in Indian dwellings with liquor punishable.

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Second offence liable to 12 months' imprisonment with hard labour.

Offender under 16 years of age may be privately whipped.

Penalties on licensed vendors of liquor infringing this Ordinance.

Vessels, &c., engaged in the traffic to be confiscated.

Giving liquor to Indians when justifiable.

One-third of penalty to go to informer.

Search for liquor on board ship.

4. When it shall be proved to the satisfaction of the convicting Justice, that the person charged has been before convicted under this Ordinance, or either of the Act or Ordinance hereby repealed, the Justice may, on conviction, commit such offender to prison for a term not exceeding twelve months with hard labour, without the option of a fine, should such Justice see fit so to do.

5. In any case where it shall be proved to the satisfaction of the convicting Justice, that the offender has not attained the age of sixteen years, the Justice may order such offender to be once or twice privately whipped, in lieu of or in addition to the aforesaid penalties at the discretion of the Justice.

6. Any person holding any wholesale or retail Liquor Licence in the Colony, who shall be convicted under this Ordinance, shall, at the discretion of the convicting Justice, be liable to the forfeiture of his Licence, in addition to the other penalties, and shall not be entitled to a renewal of such Licence, in any part of the Colony, for a term of two years from the date of such conviction.

7. When it shall be proved before any Justice, that any vessel, boat, canoe, or conveyance of any description, whether on the Coast of British Columbia, or on any river, lake, or stream in the Colony, is employed in carrying intoxicating liquor to be supplied to any Indian or Indians, such vessel, boat, canoe, or conveyance so employed, shall be declared forfeited; and every person engaged in the conveyance, sale, or distribution of such liquor, in manner aforesaid, on board of such vessel, boat, canoe, or conveyance so employed, shall be liable to all the penalties provided for under this Ordinance for persons convicted of selling liquor to Indians.

8. It shall be lawful, nevertheless, for any Justice before whom any charge is brought under this Ordinance, notwithstanding anything herein contained to the contrary, to acquit any person who has given intoxicating liquor to Indians medicinally, or under such other circumstances as may appear justifiable.

9. Any person giving information, leading to the conviction of any person under this Ordinance, shall be entitled to receive one-third of any pecuniary penalty inflicted under this Ordinance, at the discretion of the convicting Justice.

10. It shall be lawful for any Officer of Customs, or for any Superintendent or Inspector of Police, or any other Officer specially appointed by the Governor for that purpose, or for any Officer of Her Majesty's Navy on full pay, at his discretion, to rummage and search for fermented, spirituous, or intoxicating liquor, any ship, boat, canoe, or other vessel suspected of containing intoxicating liquor for the use of Indians, and upon reasonable ground in that behalf, to detain and seize the same, and bring her for the purpose of investigation and adjudication to any convenient port or place

within the said Colony; and every Master of a ship, boat, canoe, or other vessel having on board his ship, boat, canoe, or other vessel, any fermented, spirituous, or intoxicating liquors not satisfactorily accounted for, shall forfeit and pay a penalty not exceeding one thousand dollars, and all such last mentioned fermented, spirituous, or intoxicating liquors shall be forfeited.

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11. No ship, boat, canoe, or other vessel having fermented, spirituous, or intoxicating liquors on board shall leave any port in the Colony of British Columbia for any part of the Coast of the said Colony, or for any port or place on the Coast of Russian America, or to the northward thereof, without the Master of such ship, boat, canoe, or other vessel, making a declaration in the Form marked 1, in the Schedule to this Ordinance, setting forth the quantities, description, and destination of such liquors as aforesaid as may be on board, and obtaining from the Officer of Customs, at the port of departure, a permit to carry such liquors, which permit may be in the Form marked 2, in the said Schedule. It shall be lawful, however, for the Governor to exempt any vessel from the operation of this Section of this Ordinance, whenever the circumstances shall be such as, in the opinion of such Governor, to render such exemption expedient and desirable.

On what conditions liquor may be shipped to the Northwest Coast.

12. Every person obstructing any Officer of Customs, or of Her Majesty's Navy, on full pay, or any Peace Officer, or other Officer specially appointed by the Governor for the purpose of this Ordinance, or any person lawfully acting under their or any of their orders respectively, in pursuance of the powers given under this Ordinance, shall be guilty of an offence, and on conviction thereof, shall be liable to a penalty not exceeding the sum of five hundred dollars.

Penalty for obstructing officers in the performance of duty.

13. Whenever any penalty is imposed for any offence under this Ordinance, the same may, unless otherwise provided, be recovered and inflicted by way of summary proceedings before any single Justice of the Peace, and every such penalty may, with costs of conviction, be levied by distress and sale of the goods and chattels of any offender; and in case such goods and chattels shall prove insufficient to satisfy such penalty and costs, then by imprisonment of such person so offending, for any term not exceeding twelve calendar months.

Penalties.

14. In the construction of this Ordinance the word "Governor" shall be held to mean the Governor of this Colony, or other the Officer administering the Government of this Colony for the time being; and whenever in this Ordinance in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and be applicable to several persons and

Interpretation Clause.

A.D. 1867.

parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided, or there be something in the subject or context repugnant to such construction.

Warrant of commitment.

15. In case of any summary conviction under this Ordinance, no warrant of commitment upon a conviction shall be held to be invalid by reason of any defect therein, if it be therein alleged that the person offending has been convicted and there be a good and valid conviction to sustain the same.

Short Title.

16. This Ordinance may be cited for all purposes as "The Indian Liquor Ordinance, 1867."

SCHEDULE.

FORM 1.

Shipping Bill for Fermented, Spirituous, or Intoxicating Liquors.

Name and description of ship, boat, canoe, or other vessel.	Whether British, or Foreign; if foreign, the Country.	Master's name.	Port or place of destination.	Quantity and description of Liquors on board.	To whom consigned, or if for ship's use.	

I declare the entries in this Bill to be correctly made.

(Signed)

Master of the above Ship.

[Station of Clearance.]

Dated this day of

18 .

FORM 2.

A.D. 1867.

Permit to carry Fermented, Spirituous, or Intoxicating Liquors.

Name and description of ship, boat, canoe, or other vessel.	Whether British or foreign; if foreign, the Country.	Master's name.	Port or place of destination.	Quantity and description of Liquors on board.	To whom con- signed, or if for ship's use.	

The Fermented, Spirituous, or Intoxicating Liquors above described are hereby permitted to be carried and borne to the destinations and for the purposes above specified.

(Signed) [Name and description of Officer.]
[Station of Clearance.]

Dated this day of 18 .

No. 86.

An Ordinance respecting Harbour and Tonnage Dues, and to regulate the Licences on the Vessels engaged in the Coasting and Inland Navigation trade.

A.D. 1867.

[2nd April, 1867.]

WHEREAS it is expedient to assimilate and amend the Laws relating to the collection of Harbour and Tonnage Dues and Coasting and Inland Navigation Licences:

Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. The British Columbia Proclamations of the 15th June, 1859, of the 25th June, 1859, and of the 10th December, 1859, relating to Tonnage Dues, “The Harbour Dues Amendment Ordinance, 1865,” together with “The Ports of Entry Act, 1863,” “The Harbour Dues Act, 1866,” and “The Stock and Carcass Act, 1865,” of the former separate Colony of Vancouver Island, are hereby repealed, save as to any sums due on wrongs and penalties recoverable and enforceable under the aforesaid Proclamations, Acts, or Ordinances, or any of them, but no such repeal shall revive any local

Repeals previous Acts.

A.D. 1867

Laws previously repealed by any such Proclamations, Acts, or Ordinances.

Entrance and clearance fees as in Schedule A.

2. From and after the passing of this Ordinance, there shall be levied, collected, and paid, to the use of Her Majesty, Her heirs and successors, on all Vessels entering inwards from parts beyond sea, or clearing outwards for parts beyond sea, or engaged in the Coasting Trade of the said Colony, or in the navigation of the rivers and lakes and inland waters of the said Colony, the several sums more particularly described in the Schedule hereto marked A.

Collection under charge of Collector of Customs.

3. The said sums are hereby made payable to the Collector of Customs of the said Colony, who is hereby authorized by himself and his Officers to demand and enforce payment of the same from the Master of the Vessel in respect of which such moneys are payable, and to give full and complete receipts and discharges for the same.

Coasting trade how regulated.

4. The Coasting Trade of the Colony of British Columbia shall be deemed to be described, regulated, and restricted by those provisions of the "Customs Consolidation Act, 1853," which refer to the Coasting Trade of the United Kingdom, and the regulations, restrictions, and penalties therein contained shall be deemed and taken to apply to all Vessels and persons engaged in the Coasting trade of British Columbia, as if British Columbia had been expressly named in such provisions in lieu of the United Kingdom.

REPEALED by No. 105.

[Foreign bottoms how licensed for Coasting trade.]

[5. *It shall be lawful for the Governor in Council at any time or times, should special circumstances make the granting of such privileges in his opinion desirable, hereafter to licence and authorize any Foreign bottoms to engage in the Coasting Trade or Inland Navigation of British Columbia.*]

Collector of Customs to grant all licences.

6. All licences granted under this Ordinance shall be under the hand of the Collector of Customs, or other Officer duly authorized by the Governor in that behalf, and may be in the form applicable to the particular case contained in Schedule B. hereto, and may contain such special provisions of revocation, variation, or otherwise, as to the Governor in Council may seem meet.

Licensed Foreign vessels how regulated.

7. In addition to any such provisions, or in the absence thereof, every Foreign Vessel so licensed, and the Master thereof while so licensed, shall be respectively subject to the same regulations and penalties as apply under this Ordinance to British bottoms similarly engaged, and the Masters thereof respectively.

Penalty for not taking out Licence.]

8. If any Vessel shall proceed on any coasting voyage or any voyage on any river, lake, or other inland waters, without having taken out a licence for such Coasting or Inland trade, the Master of every such Vessel, for every such offence, shall forfeit a sum not exceeding five hundred dollars.

Disputes about collection how settled.

9. In case of any dispute concerning any moneys hereby authorized to be levied and paid, or the evasion or attempted evasion of

the payment thereof, the amount payable shall be ascertained and recoverable under the provisions of the "Customs Consolidation Act, 1853," so far as such provisions are from local circumstances capable of being applied, in the same manner as if the moneys hereby made payable were Duties of Customs lawfully imposed, and any Vessel in respect of which any such default shall arise may be detained for and during the continuance of such default.

A.D. 1867.

10. In the construction of this Ordinance and the Schedule hereto, the expression "parts beyonds sea" shall include any port or place beyond the limits of the Colony.

Interpretation of
"parts beyond sea."

11. So much of Part IV. of the "Merchant Shipping Act, 1854," as refers to the survey and inspection of Vessels, and the prevention of accidents, and from local circumstances is applicable to this Colony, shall extend and apply to Vessels engaged in navigating the inland waters of the Colony.

Applies part of Merchant Shipping Act, 1854.

12. The Schedule shall form part of this Ordinance.

Schedule.

13. In the construction of this Ordinance the word "Governor" shall be held to mean the Governor of this Colony or other the Officer administering the Government of this Colony for the time being; and whenever in this Ordinance in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and be applicable to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided, or there be something in the subject or context repugnant to such construction.

Interpretation
clause.

14. Every penalty imposed by or by virtue of this Ordinance, not otherwise herein provided for may, with the costs of conviction, be levied by distress and sale of the goods and chattels of any offender; and in case such goods and chattels shall prove insufficient to satisfy such penalty and costs, then by imprisonment of such offender, for any term not exceeding three calendar months; and no warrant of commitment upon a conviction under or by virtue of this Ordinance shall be held to be invalid by reason of any defect, if it be therein alleged that the offender has been convicted, and there be a good and valid conviction to sustain the same.

Penalties how recoverable.

15. This Ordinance may be cited for all purposes as the "Shipping Ordinance, 1867."

Short Title.

A.D. 1867.

SCHEDULE A. ABOVE REFERRED TO.

For all Vessels, other than Vessels holding a Coasting Licence, entering or clearing at any port, for every such entrance or clearance 4 cents per ton register.

Provided, always, that such charges shall not be made upon or exacted from Vessels seeking any Harbour in distress, or by reason of stress of weather, or solely for the purpose of supplying themselves with stores and provisions.

For all River and Coasting Steamers \$1.50 per ton per annum.

For all Coasting Sailing Vessels \$1 per ton per annum.

For every Boat plying or let out for hire, under 12 ft., \$2.50 for 6 months.

Do., do., do., 12 feet and over, \$5 for 6 months.

For every Lighter and Scow, under 7 tons, plying

or let out for hire \$6 for 6 months.

And for every additional ton above 7 tons..... 25 cents for 6 months.

SCHEDULE B. ABOVE REFERRED TO.

[Royal Arms.]

BRITISH COLUMBIA.

Coasting and River Licence.

Subject to the provisions of the "Shipping Licence Ordinance, 1867," the "Customs Consolidation Act, 1853," and so much of Part IV. of the "Merchant Shipping Act, 1854," as relates to survey, inspection, and prevention of accidents, the

[A. B.] Master, is hereby licensed for the Coasting and River Trade, from to 18 .

* _____, Collector,
Custom House, 18 . [or other competent Officer.]

[Royal Arms.]

BRITISH COLUMBIA.

Inland Navigation Licence.

Subject to the provisions of the "Shipping Licence, Ordinance, 1867," and so much of Part IV. of the "Merchant Shipping Act, 1854," as relates to survey, inspection, and prevention of accidents, the Steamer [or otherwise, as the case may be]

, Master, is hereby licensed to trade on the Inland Waters of British Columbia, from to 18 .

* _____, Collector,
Custom House, 18 . [or other competent Officer.]

* Here insert any special provisions.

No. 87.

An Ordinance to assimilate the Laws for the Regulation of Pilotage in all parts of the Colony of British Columbia A.D. 1867.

[2nd April, 1867.]

WHEREAS it is expedient to assimilate the Law for the Regulation of Pilotage in all parts of the Colony: Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. "The Pilotage Ordinance, 1866," of the Colony of British Columbia before the Union, and "The Victoria Pilot Act, 1864," of the former Colony of Vancouver Island and its Dependencies, are hereby repealed. Provided, however, that such repeal shall not affect any rights acquired or any liabilities or penalties already incurred under such Ordinance and Act, or either of them, or any remedies or punishments prescribed by such Ordinance and Act or either of them, for enforcing the same, but such remedies and punishments may still for the purposes of such enforcements, but not further or otherwise, be held to be available and capable of imposition as if such Ordinance and Act were still in force; and, provided also, that such repeal shall not have the effect of reviving any Pilotage Law heretofore repealed. Repeals former Acts.

2. It shall be lawful for the Governor to appoint, and from time to time vary, such persons as he shall deem fitted in that behalf to constitute a Pilot Board, who shall have the charge of all matters and things relating to Pilotage and Pilots, subject to the provisions of this Ordinance. Power to Governor to appoint and vary Pilot Boards;

3. It shall be lawful for the Governor in Council, by any order duly made and passed, from time to time, and at any time, to make and alter such rules, regulations, and by-laws, as such Governor in Council may deem expedient in respect of the following matters, that is to say:— And to make rules, regulations and by-laws;

(a.) The establishment, management, and, maintenance, of the Pilot Board, its functions, and powers:

(b.) The duties and jurisdiction of Pilots:

(c.) The examination, passing, granting or suspension of Certificates and Licences to Pilots:

(d.) To examine Masters and Mates of ships or Vessels belonging to the Mercantile Marine, and to grant to them provisional Certificates of competency to act as Masters or Mates, as the case may be, of any such Ships or Vessels:

(e.) The exclusion of unlicensed persons acting as Pilots:

A.D. 1867.

- (f.) Declaring, defining, and enforcing the rates of Pilotage and Pilot fees, and the exemptions from Pilotage:
- (g.) The Vessels and Ships which shall be subject to Pilotage fees:
- (h.) For regulating the persons from whom and to whom Pilotage fees shall be appropriated and paid:
- (i.) For regulating the signals and passing and repassing of Steamboats and other Vessels within the waters of the Colony, and the duties of Pilots and Masters in respect thereto:
- (j.) For regulating the position and claims of Pilots as between themselves:
- (k.) And generally to regulate all such other matters and things whatsoever, in relation to or in connection with Pilots and Pilotage, which the said Governor in Council shall from time to time deem expedient to ordain.

The same to be published in the Government Gazette for one month.

4. Every such rule, regulation, and by-law so made, when published for one calendar month, continuously, in the Government Gazette shall, so far as the same shall not have been in like manner repealed or varied, be deemed to be and have the force of Law, and be so recognized in all the Courts of the Colony.

Penalty for breach of provisions of this Ordinance.

5. Any wilful breach or contravention, by any person whomsoever, of any provision or any part of any provision of this Ordinance, or of any rule, regulation, or by-law to be made in pursuance thereof, shall be punishable summarily, upon information before a Magistrate of the Colony, and upon conviction, by a fine not exceeding, for a first offence, two hundred and fifty dollars, and for a second offence, not exceeding five hundred dollars.

Penalties how imposed.

6. Every penalty imposed by this Ordinance may, with the costs of conviction, be levied by distress and sale of the goods and chattels of any offender; and in case such goods and chattels shall prove insufficient to satisfy such penalty and costs, then by imprisonment of such offender, for any term not exceeding three calendar months; and no warrant of commitment upon a conviction under this Ordinance shall be held to be invalid by reason of any defect, if it be therein alleged that the offender has been convicted, and there be a good and valid conviction to sustain the same.

Interpretation Clause.

7. In the construction of this Ordinance the word "Governor" shall mean the Governor of this Colony, or other person for the time being administering the Government thereof.

Short Title.

8. This Ordinance may be cited for all purposes as "The Pilotage Ordinance, 1867."

No. 88.

An Ordinance respecting Practitioners in Medicine and Surgery. A.D. 1867.

[2nd April, 1867.]

AMENDED by
No. 130.

WHEREAS it is expedient that persons requiring Medical aid should be enabled to distinguish qualified from unqualified Practitioners:

Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall be lawful for the Governor from time to time to appoint a Registrar of Medical Practitioners within the said Colony.

Power to Governor
to appoint Registrar
of Medical Practi-
tioners.

2. It shall be lawful for the Governor, as occasion shall require, to direct the mode and manner in which the Medical Register hereinafter mentioned shall be kept by the said Registrar, in such particulars as are not provided for by this Ordinance.

Governor may pro-
vide for keeping a
Medical Register.

3. It shall be the duty of the said Registrar to keep the said Register correctly, and to erase the names of all registered persons who shall have died, and from time to time to make the necessary alterations in the addresses or qualifications of the persons registered under this Ordinance; and to enable the said Registrar duly to fulfil the duties imposed upon him, it shall be lawful for the said Registrar to write a letter to any registered person, addressed to him according to his address on the Register, to enquire whether he has ceased to practise, or has changed his residence, and if no answer shall be returned to such letter within the period of three months from the recording of the letter, it shall be lawful to erase the name of such person from the Register; provided, also, that the same may be restored by direction of the Governor should he think fit to make an order to that effect, or by fresh registration.

Duties of Medical
Registrar.

4. Upon the application of any person being possessed of any diploma, licence, or privilege to practise Medicine or Surgery, from any School, College, Society, or Faculty of Medicine or Surgery, either in the United Kingdom or in a Foreign Country, such School, College, Society, or Faculty requiring a compulsory course of study extending over not less than three years, such person shall on payment of a fee of ten dollars be entitled to be registered by the Medical Registrar, on producing to such Registrar the document conferring or evidencing the qualification, or each of the qualifications, in respect whereof he may desire to be registered, and producing an affidavit made before a Magistrate, or other person qualified to receive solemn declarations, to the effect that he is the person named in such document of qualification, and that such document of qualification has been duly granted by a School,

Who may be regis-
tered.

A.D. 1867.

Society, or College requiring a course of study extending over a period of not less than three years; and that he has not lost the benefit of the same by reason of misconduct, and such register may be amended in respect of any qualification subsequently acquired by any registered person on production and proof of such fresh qualification, and on payment of an additional fee of ten dollars for the same. Provided, always, that nothing in this Ordinance shall be so construed as to prevent any one possessing a Diploma who is now practising in this Colony from continuing to practise as heretofore, and to use the distinction heretofore adopted.

Register open to public.

5. The said Register shall be open for inspection by the public free of charge, and also as from time to time altered, corrected, and revised by the said Registrar shall be published in the Government Gazette of the said Colony at least once in every year.

No legal remedy to Medical Practitioners unless registered excepting Dentists.

6. No person shall, after the 1st day of January, 1868, be entitled to recover any charge in any Court of Law for any Medical or Surgical advice, or for attendance, or for the performance of any operation, or for any medicine which he shall have both prescribed and supplied, unless he shall prove upon the trial that he has been registered under this Ordinance. Provided, however, that nothing in this Ordinance contained shall be held to apply to a Dentist or the practice of a Dentist.

Exempts Her Majesty's Medical Officers.

7. Nothing in this Ordinance contained shall be held to apply to any Medical Officer in Her Majesty's service on full pay, and on active service.

Inflicts penalty on false pretence.

8. Any person who shall wilfully and falsely pretend to be or take the name or title of a Physician, Doctor of Medicine, Licentiate in Medicine and Surgery, Bachelor of Medicine, Surgeon, General Practitioner, or Apothecary, or any name, title, addition, or description implying that he is licensed and registered under this Ordinance, or that he is recognized by Law as a Physician, or Surgeon, or Licentiate in Medicine and Surgery, or a Practitioner in Medicine, or an Apothecary, shall, upon a summary conviction for any such offence, pay a sum not exceeding one hundred dollars.

Falsification of Register a misdemeanor.

9. Any Registrar who shall wilfully make, or cause to be made, any falsification in the said Register, shall be deemed guilty of a misdemeanor, and shall on conviction thereof be imprisoned for any term not exceeding twelve calendar months.

Fraudulent representation a misdemeanor.

10. If any person shall wilfully procure or attempt to procure himself to be registered under this Ordinance, by making or producing, or cause to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, every such person so offending, and every person aiding and assisting him therein, shall be deemed guilty of a misdemeanor, punishable by fine or imprisonment, and shall on conviction thereof be liable to imprisonment for any term not exceeding twelve calendar months.

11. Every fine or penalty imposed under the provisions of this Ordinance may be recovered with costs by way of summary conviction, and in default of payment by distress and sale of the goods and chattels of the offender, and in case of the insufficiency of such distress, by imprisonment of the offender for any term not exceeding three calendar months, but no proceedings for the recovery of any such fine or penalty shall be commenced after the period of six months from the time of the accruing of such fine or penalty; and in case of any summary conviction, no warrant of commitment upon a conviction shall be held to be invalid by reason of any defect therein, if it be therein alleged that the person offending has been convicted, and there be a good and valid conviction to sustain the same.

A.D. 1867.

Penalty how imposed.

12. All fines, penalties, and fees imposed under the provisions of this Ordinance shall be payable to Her Majesty the Queen, Her heirs and successors, for the public uses of the said Colony, and in support of the Government thereof.

Application of fines, fees, &c.

13. In the construction of this Ordinance, the word "Governor" shall be held to mean the Governor of this Colony, or other the person for the time being lawfully administering the Government thereof.

Interpretation Clause.

14. This Ordinance may be cited for all purposes as "The Short Title. Medical Ordinance, 1867."

No. 89.

An Ordinance to regulate the Solemnization of Marriage.

A.D. 1867.

[2nd April, 1867.]

WHEREAS it is expedient to assimilate the Laws regulating the Solemnization of Marriage in all parts of the Colony of British Columbia:

Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. "The Act respecting Marriages in the Colony of Vancouver Island and its Dependencies," made and passed in the year of Our Lord 1859, and the "Marriages Ordinance, 1865," of the lately separate Colony of British Columbia, are hereby repealed; provided, however, that all liabilities and penalties imposed and accruing, due under the said repealed Act and Ordinance, or either of them, and all remedies and punishments for recovering and enforcing the same, shall still, notwithstanding such repeal, remain in full force

Repeals former Acts.

A.D. 1867.

and effect, and be capable of being enforced and inflicted, as if such Act and Ordinance were still in force, but not further or otherwise.

Who may celebrate marriage.

2. The Ministers and Clergymen of every church and religious denomination in British Columbia, and the Registrars appointed by the Governor under the provisions of this Ordinance, may celebrate the ceremony of marriage between any two persons, neither of whom shall be under a legal disqualification to contract such marriage.

Ministers by the usual licence or banns.

3. Such Ministers or Clergymen may celebrate the ceremony of marriage according to the rites and usages of the church or denomination to which every such Clergyman or Minister respectively belongs, between any two such persons, when authorized to do so by the usual licence, under the hand and seal of the Governor as Ordinary, or (if not so authorized) then, except as is hereinafter enacted, by the publication of the banns of such marriage openly, and in an audible voice, in any church, chapel, or place of public worship of the congregation or religious community with which the Minister or Clergyman is connected, on three consecutive Sundays, during Divine Service, together with the number of such proclamation, as being the first, second, or third time of asking.

Civil marriage before a Registrar.

Notice.

Declaration of non-disqualification.

4. In the event of any parties objecting to, or not being desirous of adopting either of the above modes of marriage, then, and in that case, notice in writing must be given to the Registrar of the district where such parties propose to marry, at least fourteen clear days immediately preceding the day of the intended marriage, and a declaration, in the Form prescribed in Schedule A. hereto, of the non-disqualification of the parties, must be made and signed by each of the parties so proposing to marry, at the same time such notice and declaration shall be entered in a book to be kept for that purpose by the Registrar in his office, which shall be open to the inspection of the public.

Registrar's Certificate.

5. Upon the due compliance of the parties with the provisions of the foregoing clause, the Registrar shall give a certificate of such compliance, in the Form mentioned in Schedule C. hereto.

Contract of Civil Marriage.

6. After the expiration of the said period of fourteen days, marriage may be contracted in the office of the said District Registrar, according to the form in the manner hereinafter mentioned, but not otherwise. Provided, nevertheless, that the marriage shall be contracted with open doors, between the hours of ten a. m. and four p. m., in the presence and in the office of the Registrar of the District, and in the presence of two or more credible witnesses. Provided, that in the presence of such Registrar and witnesses, each of the parties shall declare—"I do solemnly declare that I know not of any lawful impediment why I, A. B., may not be joined in matrimony to C. D.," and each of the parties shall say to the

other—"I call upon these persons here present to witness that I, *A. B.*, do take thee *C. D.*, to be my lawful wedded wife (or husband)." Provided, also, that there be no lawful impediment to the marriage of such parties.

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7. Provided, also, that nothing herein contained shall be construed as enabling any religious ceremony of marriage to be solemnized under or by virtue of a civil contract of marriage, made as herein provided, through a Registrar, but all persons desirous of being married by religious ceremony, can only be so married after the licence, or publication of banns as aforesaid.

Without religious ceremony.

8. The Registrar of the District shall be entitled for every marriage which shall be contracted under this Ordinance, in his presence and office as aforesaid, to receive from the parties married, the sum of ten dollars, to the use of Her Majesty, Her heirs and successors,

Fee.

9. All marriages celebrated under the provisions of this Ordinance, by any Clergyman, Minister, or Registrar, must be in the presence of two or more credible witnesses besides himself, and such ceremony must be performed in a public manner, and with open doors (save where otherwise permitted by licence).

Witnesses necessary to a marriage.

10. Provided, always, that all Ministers, Clergymen, and Registrars shall, at the time of each marriage, enter a memorandum of such marriage, in a book to be kept by them for that purpose; and every such registration shall be signed by each of the parties, the Minister, or Registrar, or other duly authorized person officiating at the time; and witnessed by at least two credible witnesses, and shall be kept in the form of Schedule D. hereunto annexed; all such registrations shall be open to the inspection of the public, and a certified copy of any registration shall be given to any person demanding the same, on payment of one dollar, and certified copies of such register books shall be sent by each Minister, Clergyman, Registrar, or other authorized person aforesaid, twice in each year, viz.: on the 1st day of January, and on the 1st day of June, to the Registrar General, to be kept by him open for public inspection and to be copied as aforesaid, upon payment of the said fee.

Marriage register.

11. Every certificate, or copy of any registration, or document under this Ordinance, certified by the Clergyman or Minister, Registrar General, or Registrar extracting the same, shall be prima facie evidence of all the matters and things contained therein.

Registrar's Certificate.

12. Nothing in this Ordinance shall be construed as in any way preventing the people called Quakers, or those professing the Jewish religion, from celebrating marriage where both the parties shall be of the people called Quakers, or persons professing the Jewish religion respectively, according to the rites and ceremonies of their own religion or creed; provided, always, that all such Quakers and Jews shall, before marriage, give the notice, and make and sign

Quakers' and Jews' marriages.

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the declaration of non-disqualification by this Ordinance prescribed, and comply with all the requirements as to registration above mentioned.

False statement
perjury.

13. Any person who shall knowingly or wilfully make any false declaration or statement, or sign any false notice or certificate for the purpose of procuring any marriage, and every person who shall forbid the publication of banns, or the issue of the ordinary licence herein, or of any Registrar's certificate, by falsely representing himself or herself to be a person whose consent to such marriage is required by law, knowing such representation to be false, shall suffer the penalties of perjury.

Penalty on perform-
ing illegal marriage.

14. Any Minister, Clergyman, or Registrar who shall wilfully and knowingly celebrate the marriage of persons, either of whom may not be legally qualified, or who shall knowingly and wilfully marry persons in any other mode than one of those prescribed by this Ordinance, (except in the case of Quakers and Jews, as herein before mentioned) shall be guilty of felony.

Form of registration

15. The registrations made by such Ministers, Clergymen, and Registrars shall be in the Form prescribed in Schedule D. hereto, and the notice and declaration to be given to the Registrar in the cases in this Ordinance mentioned shall be in the Form prescribed in Schedule B. hereto.

Caveats.

16. Any person, on payment of two dollars and fifty cents, may enter a caveat with the Registrar of the District, against the issue of a certificate for the marriage of any person named therein, and if any caveat be entered with the Registrar, and such caveat being duly signed by or on behalf of the person who entered the same, together with his or her place of residence, and the ground of objection on which his or her caveat is founded, no certificate shall issue or be granted until such Registrar shall have examined into the matter of the caveat, and is satisfied that it ought not to obstruct the grant of the certificate for the said marriage, or until the caveat be withdrawn by the party who entered the same.

Appeal from District
Registrar.

17. Provided, always, that in case of doubt, it shall be lawful for the Registrar to refer the matter to the Registrar General, and in the event of the Registrar deciding against the person entering the caveat, such person may appeal to the Registrar General, on giving notice of such intention within two clear days after such decision, and on giving bonds, satisfactory to such Registrar, for security of costs within four days of such decision. Any person authorized to enter a caveat shall, in addition to making such caveat, write the word "forbidden" across the notice of marriage in the marriage notice book, and sign the same with his name.

Three months' no-
tice of Ordinance.

18. All marriages celebrated from and after three calendar months after the passing of this Ordinance in any other manner than those allowed by this Ordinance shall be void.

19. Provided, always, that in all matters relating to the mode of celebrating marriages, or the validity thereof, and the qualification of parties about to marry, and the consent of guardians or parents, or any person whose consent is necessary to the validity of such marriage, the law of England shall prevail, subject always to the provisions of this Ordinance.

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In matters not herein provided for, the Law of England to prevail.

20. The father, if living, of any party under twenty-one years of age, such party not being a widower or widow; or if the father shall be dead the guardian or guardians of the person of the party so under age, lawfully appointed, or one of them; and in case there shall be no such guardian or guardians, then the mother of such party if unmarried; and if there shall be no mother unmarried, then the guardian or guardians of the person appointed by the Court of Chancery, if any, or any one of them, shall have authority to give consent to the marriage of such party; and such consent is hereby required for the marriage of such party so under age, unless there shall be no person authorized to give such consent.

Who may give consent.

21. That in case the father or fathers of the parties to be married, or one of them, so under age as aforesaid, shall be non compos mentis, or beyond the seas, or the guardian or guardians, mother or mothers, or any of them, whose consent is made necessary as aforesaid to the marriage of such party or parties, shall be non compos mentis, or in parts beyond the seas, or shall unreasonably or from undue motives refuse or withhold his, her, or their consent to a proper marriage, then it shall and may be lawful for any person desirous of marrying in any of the before mentioned cases, to apply by petition to a Judge of the Supreme Court of Civil Justice, who shall judicially declare the same to be so; and such judicial declaration shall be deemed and taken to be as good and effectual to all intents and purposes as if the father, guardian or guardians, or mother of the person so petitioning had consented to such marriage.

If consent unduly refused.

22. Whenever a marriage shall not be had within three calendar months after the date of the Governor's licence, or the complete publication of banns, or the issuing of a Registrar's certificate of compliance with the provisions of this Ordinance, such banns, licence, or certificate shall be absolutely void from the expiration of such three months, and the application for authority to marry will have to be made afresh, in manner prescribed by this Ordinance.

Banns, licence, and certificate unused, void after 3 months.

23. The Schedules hereto shall be part of this Ordinance.

Schedule.

24. Whenever in this Ordinance any act, deed, matter, or thing is required or permitted to be done, performed, or executed by the Governor, the same may be done, performed, or executed, by the Governor of the Colony of British Columbia, or other the person

Interpretation Clause.

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for the time being lawfully administering the Government of this Colony; and whenever in this Ordinance in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and several matters and things as well as one matter or thing, unless it otherwise be provided, or there be something in the subject or context repugnant to such construction.

Short Title.

25. This Ordinance may be cited for all purposes as "The Marriage Ordinance, 1867."

SCHEDULE A.

Declaration.

I do solemnly declare that I know of no lawful impediment of kindred or alliance, or other lawful hindrance, why I, *A. B.*, may not be joined in matrimony to *C. D.*

SCHEDULE B.

Notice of Marriage.

To the Registrar of the District of _____ in the Colony of British Columbia.

I hereby give you notice that a marriage is intended to be had on the day of _____, between me and the other party described and named herein.

Name.	Condition.	Rank or profession.	Age.	Dwelling place.

Witness my hand this _____ day of _____ 18 .
(Signed) *A. B.*

SCHEDULE C.

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Registrar's Certificate.

I, _____, Registrar of the District of _____, in the Colony of British Columbia, do hereby certify that on the _____ day of _____, notice was duly entered in the Marriage Notice Book of the said District, of the marriage intended between the parties therein named and described, delivered under the hand of _____, one of the parties, that is to say:—

Name.	Condition.	Rank or profession.	Age.	Dwelling place.

Date of notice entered 18 .
Date of certificate given 18 .
The issue of this certificate has not been forbidden by any person authorized to forbid the issue thereof.
Witness my hand at _____, this _____ day of _____ 18 .
(Signed) _____
Registrar of the District.

This certificate will be void unless the marriage be celebrated on or before the _____ day of _____ 18 .

SCHEDULE D.

Marriage Certificate.

Marriages solemnized in the District of _____

No.	When married.	Name and surname	Age	Condition.	Rank or profession.	Residence.	Place of birth.	Father's name and surname.	Rank or profession of father.

Married at _____, according to the rites and ceremonies of }
[here church or denomination to be inserted] by [banns 'or licence]; } as the
or, } case
Married at _____, by civil contract, by A. B., Registrar of } may be:
the District of _____ }
This Marriage was solemnized by us,
A. B.
C. D.

In the presence of us,
E. F.
G. H.
(Signature of the Minister, Clergyman, or Registrar,
as the case may be.)

No. 90.

A.D. 1867. An Ordinance to amend the Laws relating to Gold Mining.
[2nd April, 1867.]

Preamble. **W**HEREAS it is expedient to amend and assimilate the Laws relating to Gold Mining in the Colony:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Repeals previous Acts.

1. From and after the passing of this Ordinance, "The Gold Mining Ordinance, 1865," and the Proclamations, Rules, and Regulations, and Ordinances repealed thereby, are hereby repealed; provided, however, that such repeal shall not in any manner affect any rights acquired, or any liabilities or penalties incurred thereunder, or any remedies or punishments prescribed thereby, but such remedies and punishments may still for the purposes of such enforcement, but not further or otherwise, be available and capable of imposition.

Interpretation Clause.

2. In the construction of this Ordinance the following expressions shall have the following interpretations respectively, unless there be something inconsistent or repugnant thereto in the context:—

Her Majesty, the Crown.

The words "Her Majesty" or "the Crown" shall mean Her Majesty, Her heirs and successors:

Governor.

The word "Governor" shall mean and include any person Administering the Government of this Colony:

Gold Commissioner.

"Gold Commissioner" shall include Chief Gold Commissioner, Assistant Gold Commissioners and others lawfully acting as Gold Commissioners, either under special authority or the authority of this Ordinance:

Mine.

The word "Mine" shall mean any locality in which any vein, stratum, or natural bed of auriferous earth or rock shall be mined; and the verb "to mine" shall include any mode or method whatsoever of working the same for the purpose of obtaining gold therefrom:

Claim.

Mining property.

The word "Claim" shall mean the personal right of property or interest in any mine; and in the term "Mining Property" shall be included every claim, ditch, or water privilege used for mining purposes, and all other matters and things thereto belonging, or used in the working thereof:

Bar Diggings.

"Bar Diggings" shall mean every mine over which a river extends when in its flooded state:

Dry Diggings.

"Dry Diggings" shall mean any mine over which a river never extends:

Bench Diggings.

The mines on benches shall be known as "Bench Diggings," and shall for the purpose of ascertaining the size of claims therein be excepted out of the class of "Dry Diggings:"

"Streams and Ravines" shall include water-courses, whether usually containing water or not, and all rivers, creeks, and gulches: A.D. 1867.
Streams & Ravines.

"Hill Claims" shall include all claims located on the surface of any hill: Hill Claims.

"Ditch" shall include a flume or race, or other artificial means for conducting water by its own weight, to be used for mining purposes: Ditch.

"Ditch Head" shall mean the point in a natural water-course or lake where water is first taken into a ditch: Ditch Head.

"Free Miner" shall mean a person named in, and lawfully possessed of a valid existing Free Miner's Certificate, and no other. And words in the singular number shall include the plural, and the masculine gender shall include the feminine gender: Free Miner.

The words "Record," "Register," and "Registration," as hereinafter used shall be synonymous: Record, &c.

3. This Ordinances shall be divided into twelve parts:— Ordinance divided into twelve parts.

The first part relating to the appointment of Gold Commissioners and their jurisdiction:

The second part to Free Miners and their privileges:

The third part to the Registration of Claims and Free Miner's general rights:

The fourth part to the nature and size of Claims:

The fifth part to Bed-Rock Flumes:

The sixth part to the Drainage of Mines:

The seventh part to Mining Partnerships and Limited Liability:

The eighth part to Administration:

The ninth part to Leases:

The tenth part to Ditches:

The eleventh part to Mining Boards and their Constitution:

The twelfth part to the penal and saving Clauses.

PART I.

Appointment of Gold Commissioners and their jurisdiction.

4. The Governor may from time to time appoint such persons as he shall think proper to be Chief Gold Commissioner and Gold Commissioners either for the whole Colony, or for any particular districts therein, and from time to time in like manner fix and vary the limits of and subdivide such districts, and make and revoke all such appointments: Gold Commissioner to be appointed by the Governor.

5. Within every such district or districts there shall be a Court to be called the "Mining Court," in which the Gold Commissioner of the district shall preside as Judge thereof: Mining Court in each District.

6. Such "Mining Court" shall have original jurisdiction as a Court of Law and Equity, to hear and determine all mining dis- Jurisdiction of Gold Commissioner.

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Same powers as
Judge of the Su-
preme Court in
enforcing decision.

putes arising within its district, and shall be a Court of record with a specific seal; and in determining suits or actions brought therein, the Gold Commissioner may render such judgment, or make such order or decree as he shall deem just, and for the purposes thereof and for enforcing the same he shall have and exercise, save as hereinafter excepted, the same powers and authority, legal and equitable, as are now exercised in the Supreme Court of Civil Justice of British Columbia, by any Judge thereof. Provided, however, that the Gold Commissioner shall if desired by both parties to a cause in cases of liquidated damages, or if desired by either party to a cause in case of unliquidated damages, summon a jury of from three to five Free Miners to assess the amount of such damages.

Prescribed forms
unnecessary.

7. No prescribed forms shall be necessary, provided that the substance of the matter complained of be properly expressed in writing and embodied in a summons to be issued from the Court, and served on the opposite party, or as may be directed, and such summons may by leave of the Gold Commissioner be amended, if requisite, by either party upon such terms as he may impose, and the sum of ten dollars shall be charged for every summons so issued.

Jurisdiction beyond
district in certain
cases.

8. Where disputes arise concerning mining property, portions whereof are situated in adjoining or different districts, the Gold Commissioners of either of such districts before whom the dispute is first brought shall determine it.

Mining Surveyor.

9. The Gold Commissioner may, in cases of disputed boundaries or measurements, employ a Surveyor to mark and define the same, and cause the reasonable expense thereof to be paid by either or both of the parties interested therein.

Laying over claims.

10. He shall also have the power to lay over any or all claims within his district, for such period and under such circumstances as he may think proper.

Protection against
dangerous works.

11. He shall have power to order any mining works to be so carried on as to ensure the safety of the public, or protect the interests of claim holders or bed-rock drains; and any abandoned works may by his order be either filled up or guarded to his satisfaction, at the cost of the parties who may have constructed the same, or in their absence then upon such terms as he shall deem expedient.

Plots for Traders
and gardens.

12. It shall be lawful for him, upon being so requested, to mark out for business purposes or gardens, on or near any mining ground, a plot of ground of such size as he shall deem advisable; subject, however, to all the existing rights of Free Miners then lawfully holding such mining ground, and their assignees. And any building erected, or improvements made thereon for any such purposes, shall in every such case be erected and made at the risk of the per-

sons erecting and making the same; and they shall not be entitled to any compensation for damage done thereto by such Free Miners so entitled in working their claims bona fide.

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13. It shall be lawful for him, upon being so requested, to mark out for business purposes or gardens, on or near any mining ground not previously pre-empted, a plot of land of such size as he shall deem advisable, to be held subject to all the rights of Free Miners to enter upon and use such lands for mining purposes, upon reasonable notice to quit being given to the occupier, such notice to be subject to the approval of the Gold Commissioner; and, further, upon the payment of due compensation for any crops thereon, and for the buildings and improvements erected on such plots; such compensation to be assessed by the Gold Commissioner previous to entry, with or without a jury of not less than three.

Compensation how allotted.

A monthly rent of five dollars shall in every such case be payable by the grantees of such plot, or their assignees, to the Gold Commissioner.

Rent for same.

14. Any Judge of the Supreme Court of Civil Justice of British Columbia may, with the advice and consent of the Gold Commissioner of any particular district, from time to time make, repeal, and alter any rules and regulations for the conduct of the business before such Gold Commissioner, and for the costs incident thereto.

Forms of proceeding costs, &c.

15. Where any mining cause, wherein the sum of damages sought to be recovered shall be less than two hundred and fifty dollars, is brought in the first instance before the Supreme Court of Civil Justice of British Columbia, it shall be lawful for the Court, after issue joined, to direct the cause to be tried before any particular Gold Commissioner, upon such terms as the Court shall think fit.

Causes under \$250.

16. All jurors and witnesses summoned under and by virtue of the powers contained in this Ordinance, shall be entitled for their attendance to receive such compensation as the Court may direct.

Jurors' and witnesses' fees.

17. When, in civil cases, the subject matter in any mining dispute is in value more than two hundred and fifty dollars, an appeal shall, save as hereinafter excepted, lie from the decision, ruling, judgment, order, or decree of the Gold Commissioner, to the Supreme Court of Civil Justice of British Columbia; provided, however, that the decision of the Gold Commissioner, or of a jury summoned under the provisions of this Ordinance, upon all matters of fact, shall be final and conclusive, and no appeal shall lie therefrom. No appeal shall be allowed in any cause, unless notice thereof be given in writing to the opposite party, or his Attorney, within four days after the decision complained of, and also security be given, to the approval of the Gold Commissioner, for the costs of the appeal, and the amount (if any) payable under the judgment; and the said Court of Appeal may make such order as it shall think

Appeal in civil cases over \$250.

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fit. Such appeal may be in the form of a case settled and signed by the parties, their Counsel, or Attorneys.

PART II.

Who may be Free Miners, and their privileges.

Who may be a Free Miner.

Free Miners under age to be treated as adults.

Miners' Certificate.

18. Every person over but not under sixteen years shall be entitled to hold a claim. Minors, who shall become Free Miners, shall, as regards their mining property and liabilities contracted in connexion therewith, be treated as adults.

19. Every Gold Commissioner, upon payment of the sums hereinafter mentioned, shall deliver to any person applying for the same, a Certificate, to be called a Free Miner's Certificate, which may be in the following form:—

BRITISH COLUMBIA.

Free Miner's Certificate.

NOT TRANSFERABLE.

Date,

Valid for years.

No.

This is to certify that *A. B.*, of has paid me this day the sum of , and is entitled to all the rights and privileges of a Free Miner, for year from the date hereof.

(Signed) *G. B.*,

Chief Gold Commissioner, or Gold Commissioner,
[as the case may be].

Certificate for one, or three years.

20. Such Free Miner's Certificate shall, at the request of the applicant, be granted and continue in force for a period of one year, or three years, from the date thereof, upon payment by such applicant, to the use of Her Majesty, of the sum of five dollars for one year, and fifteen dollars for three years. Such Certificate shall not be transferable, and only one person shall be named therein. And every holder of a Certificate shall have three clear days after the expiration thereof, and no longer, to renew the same.

Three days' grace to renew Certificate.

Lost Certificate.

21. If any Free Miner's Certificate shall be accidentally destroyed or lost, the same may, upon evidence thereof and upon payment by the applicant of two dollars and fifty cents, be replaced by a true copy thereof, signed by the Gold Commissioner of the district wherein the original Certificate was issued. Every such new Certificate shall be marked "Substituted Certificate." And unless some material irregularity be shewn in respect thereof every original or substituted Free Miner's Certificate shall be evidence of all the matters therein contained.

Right to enter and mine.

22. Every Free Miner shall during the continuance of his certificate, and no longer, have the right to enter and mine upon any of the waste lands of the Crown, not for the time being occupied by any other person.

23. In the event of such entry being made upon lands already lawfully occupied for other than mining purposes, previously to entry full compensation shall be made to the occupant or owner for any loss or damages he may sustain by reason of any such entry; such compensation to be determined by the nearest Stipendiary Magistrate or Gold Commissioner, with or without a jury of not less than five.

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Compensation to prior occupants.

24. No person shall be recognized as having any right or interest in or to any mining claim or ditch, or any of the gold therein, unless he shall be, or in case of disputed ownership unless he shall have been at the time of the dispute arising, a Free Miner.

Must be a Free Miner in certain cases.

PART III.

Registration of Claims, and Free Miner's general rights.

25. Every Free Miner locating a claim must record the same at the office of the Gold Commissioner of the district within which the same is situated, within three days after the location thereof, if located within ten miles of the said office. One additional day shall be allowed for such record for every additional ten miles, or fraction thereof. Such record shall be made in a book to be kept for the purpose, in which shall be inserted the name of the claim, the name of each locator, the number of his certificate, the locality of the mine, the date of his recording the same, and such other matters and things as may be deemed requisite by the Gold Commissioner.

Registration of claim.

26. All claims must be re-recorded annually; but any Free Miner shall, upon application, be entitled to record his claim for a period of two or more years, upon payment of the sum of two dollars and fifty cents for each and every year included in such record; and such record shall, without renewal, and for and during the time therein mentioned, but for no further period, have the same force and effect as if the same had been recorded annually.

Re-registration.

27. It shall be lawful for the Gold Commissioner to demand from any miner, applying to record a claim, the production of his certificate, and upon his neglect or refusal to produce the same, to refuse to record such claim or interest therein.

Production of certificate prior to registration.

28. In case of any dispute, the title to claims will be recognized according to the priority of registration, subject to any question which may be raised as to the validity of the record itself, and, subject further, to the terms, conditions, and privileges contained in Clause 25.

Priority of rights recognized according to priority of registration.

29. No transfer of any claim, or of any interest therein, shall be enforceable, unless the same or some memorandum thereof shall be in writing, signed by the transferrer, or by his legally authorized agent, and registered with the Gold Commissioner.

Transfers must be in writing and registered.

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General fee on recording mining matter.

30. For every record made, and leave of absence granted, or any other matter or thing whatever, relating to mining, for which a special fee shall not have been provided, the Gold Commissioner shall charge a registration fee of two dollars and fifty cents, as herein defined.

Fee for search.

31. The books of record shall, during reasonable hours, be open to public inspection, and the sum of one dollar, and no more, shall be charged for every search made therein.

Certified copy of any record to be evidence.

32. Every copy of, or extract from, any record or register kept under this Ordinance, and certified to be a true copy or extract, under the hand of the Gold Commissioner, or other person entrusted to take and keep such record or register, shall, in the absence of the original register, be receivable in any judicial proceeding as evidence of the matters and things therein contained; and the sum of one dollar and twenty-five cents shall be charged for each copy of a record so certified.

Charge therefor.

Free Miner may hold any number of claims by purchase, and two by pre-emption, and more than two by pre-emption in certain cases.

33. Every Free Miner shall be allowed to hold, at the same time, any number of claims acquired by purchase, but only two claims by pre-emption in the same locality, save as hereafter provided, viz.:—one quartz claim, and one other claim; subject, however, to the laws as to record, occupation, and otherwise, for the time being in force. And every Free Miner may sell, mortgage, or dispose of the same. He shall also be entitled, in addition to the above, to hold a pre-emption claim on each (but not on the same) hill, creek, ravine, or bench.

Miners' interest in mining property a chattel.

34. The interest which a Free Miner has in a claim shall be deemed and taken to be a chattel interest, equivalent to a lease, for such period as the same may have been recorded, renewable at the end thereof, and subject to the conditions as to forfeiture, working, representation, registration, and otherwise, for the time being in force with respect to such claim.

Definition of a Miner's right in a claim.

35. Every Free Miner shall, during the continuance of his certificate, have the exclusive right of entry upon his own claim, for the miner-like working thereof, and the construction of a residence thereon, and shall be entitled exclusively to all the proceeds realized therefrom; provided, that his claim be duly registered, and faithfully and not colourably worked, but he shall have no surface rights therein.

Right of entry to adjacent claim-holders.

Provided, also, that the Gold Commissioner may, upon application made to him, allow adjacent claim-holders such right of entry thereon as may be absolutely necessary for the working of their claims, and upon such terms as may to him seem reasonable.

One record covers not only the claim, but a fair share of the necessary water to work it.

36. In addition to the above rights every registered Free Miner shall be entitled to the use of so much of the water naturally flow-

ing through or past his claim, and not already lawfully appropriated as shall, in the opinion of the Gold Commissioner, be necessary for the due working thereof.

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37. No claim located and recorded in any district, within fourteen days before, or at any time after the claims therein shall have been laid over to the ensuing season, or other specific date, shall be deemed to be so laid over, unless so much work shall have been bona fide expended thereon by the holder thereof as shall, in the opinion of the Gold Commissioner, fairly entitle him to have such claim laid over.

Claims recorded in close season when laid over.

38. A claim shall be deemed to be abandoned and open to the occupation of any Free Miner, when the same shall have remained unworked by the registered holder thereof for the space of seventy-two hours, unless sickness or other reasonable cause be shewn; Sundays, and such holidays as the Gold Commissioner may think fit to proclaim, are to be omitted in reckoning the time of non-working.

Claims when deemed abandoned.

39. Every full sized claim, as defined in this Ordinance, shall be represented and bona fide worked by the owner thereof, or by some person on his behalf.

Full sized claim must be worked.

40. The Gold Commissioner shall have the power to regulate the number of miners who shall be required to work in prospecting a claim, or set of claims, until gold in paying quantities is found.

In prospecting leave granted to work with less than full complement.

41. Every forfeiture of a claim shall be absolute, any rule of law or equity to the contrary notwithstanding.

Forfeiture absolute.

42. Where any undivided mining interest in a Company shall be claimed by any Free Miner, by reason of any defect in the title or representation thereof, which defect shall be first established to the satisfaction of the Gold Commissioner, the Company shall be bound

Undivided interest in a company when not represented, Company must either

Either to admit the claimant as a member of the Company to the extent of such defective interest,

Admit claimant as a member,

Or, to stake off, to the separate use of the claimant, any portion of ground in the joint ground of the Company, equal in extent to such defective interest. In such latter event, the claimant shall not be entitled to any interest whatever in the remaining ground of the Company, or be considered a member thereof, by reason of such appropriation.

Or stake off claim for him.

In either case, the Company shall pay all costs and expenses incurred by reason of allowing the non-representation aforesaid. The Gold Commissioner may make such order as to costs as he may deem just.

Company to pay costs, except otherwise ordered.

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PART IV.

Nature and size of Claims.

- Size of claim. 43. From and after the date hereof, the size of claims shall be as follows:—
- Bar Diggings. For “Bar Diggings” a strip of land 100 feet wide at high water mark, and thence extending into the river to its lowest water level.
- Dry Diggings. 44. For “Dry Diggings” 100 feet square.
- Creek Claims. 45. “Creek Claims” shall be one hundred feet long, measured in the direction of the general course of the stream, and extending in width from base to base of the hill on each side. Where the bed of the stream or valley is more than 300 feet in width, each claim shall be only 50 feet in length, extending 600 feet in width. Where the valley is not 100 feet wide, the claims shall be 100 feet square.
- Bench Diggings. 46. “Bench Claims” shall be 100 feet square.
47. The Gold Commissioner shall have authority, in cases where benches are narrow, to mark the claims in such manner as he shall think fit, so as to include an adequate claim.
- Hill Claims. 48. Every claim situated on the face of any hill, and fronting on any natural stream or ravine, shall have a base line or frontage of 100 feet, drawn parallel to the main direction thereof. Parallel lines drawn from each end of the base line, at right angles thereto, and running to the summit of the hill, shall constitute the side lines thereof. Posts of the legal size shall be planted, 100 feet apart, on both the base line and the side lines. The whole area included within such boundary lines shall form a “Hill Claim.”
- Tunnelling under hills. 49. In tunnelling under hills, on the frontage of which angles occur, or which may be of an oblong or elliptical form, no party shall be allowed to tunnel from any of the said angles, nor from either end of such hills, so as to interfere with parties tunnelling from the main frontage.
- Gold Commissioner may refuse to record certain tunnel claims. 50. The Gold Commissioner shall have power to refuse to record any hill or tunnel claim on any creek, which claim or any part thereof shall include or come within 100 feet of any gulch or tributary of such creek.
- Forfeiture of claim involves tunnel, &c. 51. Tunnels and shafts shall be considered as appurtenant to the claim to which they are annexed, and be abandoned or forfeited by the abandonment or forfeiture of the claim itself.
52. For the more convenient working of back claims on benches or slopes, the Gold Commissioner may, upon application made to him, permit the owners thereof to drive a tunnel through the claims fronting on any creek, ravine, or watercourse, and impose such terms and conditions upon all parties as shall seem to him expedient.

53. Quartz claims shall be 150 feet in length, measured along the lode or vein, with power to follow the lode or vein and its spurs, dips, and angles, anywhere on or below the surface included between the two extremities of such length of 150 feet, but not to advance upon or beneath the surface of the earth more than 100 feet in a lateral direction from the main lode or vein, along which the claim is to be measured.

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Quartz Claims.

54. In quartz claims and reefs, each successive claimant shall leave 3 feet unworked, to form a boundary wall between his claim and that of the last previous claimant, and shall stake off his claim accordingly, not commencing at the boundary peg of the last previous claim, but 3 feet further on. If any person shall stake out his claim contrary to this rule, the Gold Commissioner shall have power to remove the first boundary peg of such wrongdoer 3 feet further on, notwithstanding that other claims may then be staked out beyond him; so that such wrongdoer shall then have but 147 feet. And if such wrongdoer shall have commenced work immediately at the boundary peg of the last previous claim, the Gold Commissioner may remove his boundary peg 6 feet further on than the open work of such wrongdoer; and all such open work, and also the next 3 feet of such space of 6 feet, shall belong to and form part of the last previous claim, and the residue of such space of 6 feet shall be left as a boundary wall. Every such boundary shall be deemed the joint property of the owners of the two claims between which it stands, and may not be worked or injured, save by the consent of both owners.

Regulation for
working.

55. If any Free Miner, or party of Free Miners, shall discover a new mine, and such discovery shall be established to the satisfaction of the Gold Commissioner, the first discoverer, or party of discoverers, if not more than two in number, shall be entitled to a claim double the established size of claims in the nearest mines of the same description (i. e. dry, bar, or quartz diggings). If such party consist of three men, they shall collectively be entitled to five claims of the established size on such nearest mine; and if of four or more men, such party shall be entitled to a claim and a half per man, in addition to any other claims legally held by pre-emption or otherwise. A new stratum of auriferous earth or rock, situated in a locality where the claims are abandoned shall, for this purpose, be deemed a new mine, although the same locality shall have been previously worked at a different level. And dry diggings discovered in the vicinity of bar diggings shall be deemed a new mine, and vice versa. A discoverer's claim shall for all purposes be reckoned as one ordinary claim.

Discoverer's Claim.

56. All claims shall be as nearly as possible in rectangular forms, and marked by four pegs, at least four inches square, standing not less than four feet above the surface, and firmly fixed in the ground.

Claims how marked.

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No boundary peg shall be concealed, moved, or injured without the previous permission of the Gold Commissioner. Any tree may be used as a stake, provided that it be cut down to at least the legal height, and the stump squared as above.

Measurement.

57. In defining the size of claims, the same shall be measured horizontally, irrespective of inequalities on the surface of the ground.

Deposit of leavings.

58. The Gold Commissioner may, where deemed desirable, mark out a space in the vicinity for deposits of leavings and deads from any tunnel, claim, or mining ground whatsoever, upon such terms and conditions as he may impose.

PART V.

Bed-Rock Flumes.

Grant for not more than 5 years.

59. It shall be lawful for the Gold Commissioner, upon the application hereinafter mentioned, to grant to any Bed-rock Flume Company, for any term not exceeding five years, exclusive rights of way through and entry upon any mining ground in his district, for the purpose of constructing, laying, and maintaining Bed-rock Flumes.

Three or more constitute a company.

60. Three or more Free Miners may constitute themselves into a Bed-rock Flume Company, and every application by them for such grant shall be in writing, and shall state the names of the applicants, and the nature and extent of the privileges sought to be acquired. Ten clear days' notice thereof shall be given between the months of June and November, and between the winter months of November and June one month's notice shall be given, by affixing the same to some conspicuous part of the ground, and a copy thereof upon the walls of the Gold Commissioner's office of the district.

Notice of 10 days.

Main line of flume to be staked off.

Prior to such application, the ground included therein shall be marked out by posts of the legal size, placed at intervals of 150 feet along the proposed main line or course of the flume, with a notice affixed thereto stating the number of feet of ground claimed on either side of such main line. And it shall be competent to any Free Miner to protest before the Gold Commissioner within such times as aforesaid, but not afterwards, against such application being granted. Every application for a grant shall be accompanied by a deposit of one hundred and twenty-five dollars, which shall be refunded if the application be refused, and if the application shall be entertained then such sum of one hundred and twenty-five dollars shall be retained and paid into the Colonial Treasury for the use of Her Majesty, whether the application be afterwards abandoned or not.

Protest.

Fee of \$125 payable.

Grant to be in writing.

61. Every such grant shall be in writing, signed by the Gold Commissioner.

62. Bed-rock Flume Companies shall upon obtaining such grant be entitled to the following rights and privileges, that is to say :—

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- (a.) The rights of way through and entry upon any new and unworked river, creek, gulch, or ravine, and the exclusive right to locate and work a strip of ground one hundred feet wide and two hundred feet long in the bed thereof to each individual of the company : Rights of way and privileges.
Upon new creeks.
- (b.) The rights of way through and entry upon any river, creek, gulch, or ravine, worked by miners for any period longer than two years prior to such entry, and already wholly or partially abandoned, and the exclusive right to stake out and work both the unworked and abandoned portions thereof, one hundred feet in width, and one-quarter mile in length, for each individual of the company : Upon creeks worked for 2 years and over.
- (c.) And no person heretofore or hereafter locating unworked or abandoned ground within the limits of the said company's ground, after the notice hereinbefore mentioned has been given, shall be held to have or to have had any right or title as against such company to any ground so taken up by them : On abandoned ground.
- (d.) The words "abandoned ground" shall be construed to mean all new and unworked ground, and ground not legally held and represented within the meaning of this Ordinance : Interpretation of abandoned ground.
- (e.) Such rights of way through and entry upon any rivers, creeks, and ravines, discovered within the two years next preceding the date of their application before mentioned, and upon any portions of which four or more free miners are legally holding and bona fide working claims, as to the Gold Commissioner may seem advisable : Upon creeks discovered within two years.
- (f.) The rights of way through and entry upon all claims which are at the time of the notice of application hereinbefore mentioned bona fide and not colourably worked by any free miner or miners, for the purpose of cutting a channel and laying their flume therein, with such reasonable space for constructing, maintaining, and repairing the flume as may be necessary. Provided that the owners of such last mentioned claims shall be entitled to take and receive the gold found in the cut or channel so made, but where any advantage equivalent to the cost of making the cut may accrue to the individual claim-holder by reason of such flume being laid through the claim, the Bed-rock Flume Company shall be entitled to the actual cost of making such cut to the bed-rock : Rights of way through claims legally held and worked.
- (g.) The use and enjoyment of so much of the unoccupied and unappropriated water of the stream on which they may be located, and of other adjacent streams, as may be necessary for the use of their flumes, hydraulic power, and machinery to carry on their mining operations, and they shall have their Right to use of unappropriated water.

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right of way for ditches and flumes to convey the necessary water to their works, they being liable to other parties for any damage which may arise from running such ditch or flumes through or over their ground:

Gold in the flume.

(h.) The right to all the gold in their flumes.

Claim-holders upon giving ten days' notice may construct their own flume.

63. The holders of claims through which the line of the proposed flume of such Company runs, may, upon giving at least ten days' notice in writing of such their intention to the Bed-rock Flume Company, put in a Bed-rock Flume to connect with that of the Bed-rock Flume Company, but they shall maintain the like grade, and build their flume as thoroughly, and of as strong materials, as are used by such company.

Where so constructed and abandoned.

64. Claim-holders so constructing their own flumes at their own expense, through their respective claims, shall also keep their flume clear of obstruction, and they shall be entitled to all the gold found therein, but they shall be subject to the same rules and regulations with regard to cleaning up the flume, repairs, and other matters in which both parties are interested, as may be adopted by such Bed-rock Flume Company; and such claim-holders shall have the right at any time before the abandonment of their claim or claims to become members of the Bed-rock Flume Company, by uniting their claims and flume with the ground and flume of the Company, and taking an interest proportionate to that which they shall cede to the Company, or should they so desire, they may abandon their claims and flume, and such abandonment shall enure to the use and benefit of the Bed-rock Flume Company.

Number of feet to be completed within certain times.

65. Every Bed-rock Flume Company shall, for each of the men constituting the same, construct and lay at least fifty feet of flume during the first year, and one hundred feet annually thereafter.

Free Miners entitled to use flume for tailings.

66. Any Free Miner or Miners lawfully working any claims where a bed-rock flume may be constructed, shall be entitled to tail their sluices, hydraulics, and ground sluices into such flume, but so as not to obstruct the free working of such flume by rocks, stones, boulders, or otherwise.

Registration of grant.

67. All Bed-rock Flume Companies shall register their grant when obtained, and a registration fee of twenty-five dollars shall be charged therefor; and they shall also pay an annual rent of twelve dollars and fifty cents for each quarter of a mile of right of way legally held by such Company. No re-registration of a grant shall be necessary.

Bed-rock Flumes chattels.

68. Bed-rock flumes and any interest or interests therein, and all fixtures are hereby declared to be personal property, and may be sold, mortgaged, transferred, or otherwise dealt with as such.

PART VI.

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Drainage of Mines.

69. It shall be lawful for the Gold Commissioner to grant to any Free Miner, Company of Free Miners, or Joint Stock Companies, for any term not exceeding ten years, exclusive rights of way through and entry upon any mining ground in his district, for the purpose of constructing a drain or drains for the drainage thereof.

Gold Commissioner
may grant rights of
way through mining
ground for drains.

70. Every application for such grant shall be in writing, and shall state the names of the applicants, the nature and extent of the proposed drain or drains, the amount of toll (if any) to be charged, and privileges sought to be acquired.

Application to be in
writing.

71. Upon such application a notice similar to that required upon application for the right of way for bed-rock flumes shall be given.

Ten clear days' no-
tice to be given.

72. Every application for such grant shall be accompanied by a deposit of one hundred and twenty-five dollars, which shall be refunded in case the application shall be refused by the Government, and if the application shall be entertained, then such sum of one hundred and twenty-five dollars shall be retained and paid into the Treasury of the Colony, to the use of Her Majesty, whether the application be afterwards abandoned or not.

Deposit of \$125.

73. Such grants shall be made upon such conditions as the Gold Commissioner shall deem reasonable, and shall be embodied in writing.

Grants to be in
writing.

74. The rights of way and entry above mentioned, the power to assess, levy, and collect tolls (not exceeding in amount that mentioned in the application) from all Free Miners using such drain or benefitted thereby, shall be given to the grantees. The grantees shall also covenant therein as follows:—

Covenants.

- (a.) That they will construct such drain or drains of sufficient size to meet all requirements within a time (if any) therein named:
- (b.) And have and keep the same in thorough working order and repair, and free from all obstructions, and in default thereof that the Gold Commissioner for the time being may order all necessary alterations or repairs to be made by any Free Miners, other than the grantees, at the cost and expense of the latter; such cost and expense to be levied by sale (subject however to the conditions of the grant) of all or any part of the drainage works, materials, and tolls:
- (c.) That they will within a reasonable time construct proper tap drains from or into any adjacent claims, upon being required so to do by the owners thereof, and in default thereof suffer such parties to make them themselves, in which case such parties shall only be chargeable with one-half the usual rates

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of drainage toll, or such other proportion of toll as the Gold Commissioner shall in that behalf prescribe :

(d.) That they will not in the construction and maintenance of such drains and tap drains in any way injure or damage the property of adjacent claim-holders, and in the event thereof that they will make good any damage so sustained.

Tap Drains.

75. In the construction of drains to be used as tap drains only, three days' notice given as above shall only be necessary.

Damages.

76. The Gold Commissioner alone, or if desired by either party with the assistance of a jury of five free miners, which he is hereby authorized to summon for that purpose, may ascertain whether any and what compensation shall be paid for any damage which may be caused by any such entry or construction as aforesaid.

Registration.

77. Such grant shall be duly registered as hereinbefore provided, and the sum of five dollars shall be charged therefor, save when such grant gives the grantees the power and right of collecting tolls, in which case the sum of twenty-five dollars shall instead of five dollars be paid as a registration fee. No re-registration of any such grant shall be necessary. An annual rent of twenty-five dollars for each quarter mile, and fraction thereof, shall be paid by drain companies collecting tolls to the Gold Commissioner, such rent to commence from the date of their grant.

PART VII.

Mining Partnerships.

Co-partnership rules if no articles are drawn up.

78. All mining companies shall be governed by the provisions hereof, unless they shall have other and written articles of co-partnership properly signed, attested, and recorded.

Partnership to continue for one year.

79. No mining co-partnership shall continue for a longer time than one year, unless otherwise specified in writing by the parties; but such co-partnership may be renewed at the expiration of each year.

Co-partnership business to be mining.

80. The business of co-partners herein referred to shall be mining and such other matters as pertain solely thereto.

Majority of the partners govern.

81. A majority of the co-partners, or their legally authorized agents, may decide the manner of working the claims of the co-partners, the number of men to be employed, and the extent and manner of levying the assessments to defray the expenses incurred by the company. Such majority may also choose a foreman or local manager, who shall represent the company, and sue and be sued in the name of the company, for assessments and otherwise; and he shall have power, with the consent of a majority of the company, to bind them by his contracts; and the partnership or company name must be inserted in the record of the company's claims. Any

Foreman.

co-partner, or his duly authorized agent, shall be entitled to represent his interest in the co-partnership property to the extent thereof, by work and labour, and so long as such work and labour shall be done and performed to the satisfaction of the foreman. In the event of such workman being discharged by the foreman, the Gold Commissioner upon application to him may summon the foreman before him, and upon hearing the facts may make such order as he shall deem just.

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82. During the time of working all assessments when levied shall be payable within five days thereafter. Assessments when
leviable. ✓

83. In default of payment within such time, the debtor after having received any notice specifying the amount due by him, shall upon such amount being ascertained by the Gold Commissioner to be correct, be personally liable to the company therefor, and his interest in the company, if so ordered, shall be sold by the Sheriff in the usual way, for the payment of the debt and costs, and should the amount realized be insufficient to meet the same the Gold Commissioner shall have power to issue an order, directed to the Sheriff, to sell such other personal property (if any) belonging to the debtor as may be sufficient therefor. Penalty for default.

84. Notices of sale of such debtor's mining or other property, or such part thereof as shall suffice to pay the debt and costs, shall be conspicuously posted up ten clear days prior to the day of sale, in the vicinity of such mining or other property, and at the Court House nearest thereto. Such sale shall be by public auction, and the bidder offering to pay the amount due for the smallest portion of the mining or other property, shall be entitled to such portion. The purchaser on payment of the purchase money shall acquire therein all the right and title of the debtor, and shall be entitled to the immediate possession thereof. A bill of sale of the mining property so sold, signed by the Gold Commissioner and duly recorded shall confer a good legal title thereto upon the purchase. Notice of sale, and
mode of sale.

85. After a notice of abandonment in writing shall have been served on the foreman of the company, by any member thereof, such abandonment shall be considered absolute, and operate as a discharge against all debts contracted by the company after such notice has been given, and no such member shall be deemed to have abandoned such interest without having served such notice as aforesaid. Notice of abandon-
ment to be given.

Limited Liability.

86. Any mining company, composed of two or more Free Miners, may limit the liabilities of its members, upon complying with the requirements following, that is to say:—

Upon filing with the Gold Commissioner of the district a declaratory statement, containing the name of the company, the Requirements.

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area of the ground claimed, the location of the claim, and the particular interest of each member of the company; and also placing upon a conspicuous part of the claim, in large letters, the name of the company, followed by the word "registered." After such conditions shall have been complied with, no member of such company shall be liable for any indebtedness accruing thereafter, exceeding an amount proportioned to his interest in the company.

Not less than $\frac{1}{4}$ of full interest may be held.

87. No person shall locate, purchase, hold, or enjoy less than one-fourth of one full interest of 100 feet in any company so constituted. This Section shall not apply to gold quartz mining claims.

Accounts of companies, how to be kept.

88. All mining companies so constituted shall keep a correct account of its assets and liabilities, together with the names of the shareholders, and the interest held by each, and shall make out a monthly balance sheet showing the names of the creditors, and the amounts due to each, and file the same among the papers of the company; and such balance sheet and all the books of the company shall be open to the inspection of creditors of the company at all reasonable hours.

Cessation of individual liability.

89. No member of such company shall, after a bill of sale conveying his interest, or some portion thereof, has been duly recorded, or after notices of abandonment, in writing, of his interest shall have been left with the foreman of the company and the Gold Commissioner, be liable for any indebtedness of the company accruing thereafter.

When dividend may be declared.

90. No such company shall declare any dividend until all liabilities due shall have been paid.

Foreman only liable for debts.

91. No such company shall be liable for any indebtedness contracted by any member thereof, other than its foreman or agent duly authorized.

Penalty for non-compliance herein.

92. If any such company fail to comply with any of the foregoing provisions, such company shall be liable to a fine of not less than twenty-five dollars, nor more than one hundred and twenty-five dollars.

Declaratory statements, how filed.

93. The Gold Commissioner in each mining district shall keep a book exclusively for the purpose, in which he shall record all declaratory statements filed in his office, and another book in which he shall record all notices of abandonment.

Fee for filing.

94. There shall be paid to the Gold Commissioner, for the use of Her Majesty, upon the filing of each declaratory statement, the sum of two dollars and fifty cents; and upon the filing of each notice of abandonment, the sum of one dollar, and no more.

When in force.

95. All other matters not herein provided for shall, as far as is practicable, be governed by the provisions of the "Mining Joint

Stock Companies' Act, 1864," but nothing in the nine preceding sections contained shall be construed so as to repeal or vary any of the prior or subsequent sections of this Ordinance.

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96. In the case of any Mining Joint Stock Company, duly registered in this Colony under the provisions of the "Mining Joint Stock Companies' Act, 1864," and not under this Ordinance, every shareholder of such company, though not a Free Miner, shall be entitled to buy, sell, hold, or dispose of any mining shares therein, anything to the contrary notwithstanding herein contained.

When persons not free miners may hold interests in companies.

PART VIII.

Administration.

97. In case of the death of any Free Miner, while registered as the holder of any mining property, his claim shall not be open to the occupation of any other person for non-working or non-representation, either after his decease, or during the illness which shall have terminated in his decease.

Deceased miners' interest.

98. The Gold Commissioner shall in all such cases take possession of the mining property of the deceased, and may cause such mining property to be duly represented or dispense with the same at his option, and he shall sell and dispose of the same by private sale, or upon giving ten days' notice thereof by public auction, upon such terms as he shall deem just, and out of the proceeds pay all costs and charges incurred therein.

Power of Gold Commissioner.

99. The Gold Commissioner shall take into his custody and safe keeping, or order some person so to do, all the property of deceased miners until proper letters of administration be obtained.

Custody of property of deceased miner.

PART IX.

Leases.

100. All grants under this Ordinance for any mining ground, ditch privileges, or otherwise, shall be in writing, in the form of a lease to be signed by the Gold Commissioner, and by the grantees or lessees.

All grants to be in writing.

101. Save where the contrary is expressed in this Ordinance, the following clauses shall apply:—

Except otherwise expressed in this Ordinance.

Applications for leases, accompanied by a plan of the proposed undertaking, are to be sent in duplicate to the Gold Commissioner of the district wherein the ground desired to be taken is situated, who shall immediately forward it, with his report, to the Governor for his sanction, excepting in cases where the lease does not exceed five years, but the ground shall be secured to the applicant until the Governor's decision has been received. Prior to such application, the ground

Applications must be in duplicate.

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Ground must be
marked out and
notices posted up.

applied for shall be marked out by posts of the legal size, and written notice of application, signed by the applicant, shall be affixed to any post nearest to mining claims then being worked. A copy of such notice shall also be put up at the Gold Commissioner's Office.

Deposit of \$125.

102. Every application for a lease shall be accompanied by a deposit of one hundred and twenty-five dollars, which shall be refunded if the application be refused; and if it be entertained such sum of one hundred and twenty-five dollars shall be retained and paid into the Treasury of the Colony, for the use of Her Majesty, whether the application be afterwards abandoned or not.

Leases for 10 years.

103. Leases will not in general be granted for a longer term than ten years, or for a quantity of ground greater than that herein prescribed, that is to say:—

Dry Diggings.

In Dry Diggings, ten acres.

Bar Diggings.

In Bar Diggings, unworked, half a mile in length along the high water mark.

In Bar Diggings, worked and abandoned, one mile and a half in length along the high water mark.

Quartz reefs un-
worked.

In Quartz Reefs, unworked, half a mile in length.

Quartz reefs aban-
doned.

In Quartz Reefs, worked and abandoned, one mile and a half in length.

With liberty in the two last cases to follow the spurs, dips, and angles on and within the surface for two hundred feet on each side of the main lead or seam.

104. Leases as above will not in general be granted of any land, alluvium or quartz, which will be considered to be immediately available for being worked by Free Miners as holders of individual claims. Nor will such a lease be granted in any case where individual Free Miners are in previous actual occupation of any part of the premises unless by their consent.

Reservation of
rights of the Crown
understood, also
public ways, &c.

105. Every such lease shall, without expressing the same, be understood to contain a reservation of all rights of the Crown, and all reasonable provisions for securing to the public, rights of way and water, save in so far as shall be necessary for the miner-like

Grant to mine only.

working of the premises thereby demised. The premises demised shall be granted for mining purposes only, and it shall not be competent to the lessee to assign or sub-let the same or any part thereof, without the previous licence in writing of the Gold Commissioner.

Covenants by lessee.

Every such lease shall contain a covenant by the lessee to mine the said premises in a miner-like way, and also, if it shall be thought fit, to perform the works therein defined within a time therein limited. And it shall also contain a clause by virtue whereof the said lease may be avoided, provided that the lessee shall refuse or neglect to observe and perform all or any of the covenants therein contained.

PART X.

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Ditches.

106. It shall be lawful for the Gold Commissioner, upon the application hereinafter mentioned, to grant to any person for any term not exceeding five years, the right to divert and use the water from any creek, stream, or lake, at any particular part thereof, and the rights of way through and entry upon any mining ground in his district, for the purpose of constructing ditches and flumes to convey such water.

Gold Commissioner may grant ditch privileges for 10 years.

107. Ten days' notice thereof shall be given, by affixing the same to some conspicuous part of the ground, and a copy thereof upon the walls of the Gold Commissioner's Office of the district, and it shall be competent to any Free Miner to protest before the Gold Commissioner within such ten days, but not afterwards, against such application being wholly or partially granted.

Notice to be given.

108. Every application for a grant of water exceeding 300 inches shall be accompanied by a deposit of one hundred and twenty-five dollars, which shall be refunded in case the application shall be refused by the Government, and if the application be entertained, then such sum of one hundred and twenty-five dollars shall be retained and paid into the Colonial Treasury, for the use of Her Majesty, whether the application be afterwards abandoned or not.

Deposit of \$125 to be paid.

109. Every application for such rights shall be in writing, and shall state the names of the applicants, the name of the stream or lake to be diverted, the point of diversion or ditch head, the quantity of water to be taken, the locality for its distribution, and the price (if any) to be charged to Free Miners or others for the use of such water, and the time necessary for the completion of the ditch.

Application to be in writing.

110. The Gold Commissioner, upon protest being entered, or for reasonable cause, shall have power to refuse or modify such application or grant.

Gold Commissioner may refuse or modify grant.

111. Every grant of a ditch or water privilege in occupied creeks, shall be subject to the right of such registered Free Miners as shall at the time of such grant be working on the stream above or below the ditch head, and of any other person or persons whatsoever who are then in any way lawfully using such water, for any purpose whatsoever.

Grants to be subject to free miners' rights.

112. If, after the grant aforesaid has been made, any Free Miner locate and bona fide work any mining claim below the ditch head, on any stream so diverted, he shall, upon paying to the owner of the ditch, and all other persons, compensation equal to the amount of damage sustained, be entitled to such quantity of water to work his claim, as he may require. And in computing such damages, the expense of the construction of the ditch, the loss or damage

Damages when to be paid.

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sustained by any claim or claims then using and depending upon the water conveyed in the said ditch, and all other losses reasonably sustained shall be considered.

Grants not to be made in certain cases.

113. No person shall be entitled to any grant of the water of any stream mined for the purpose of selling the water to present or future claim-holders on any part of such stream. The Gold Commissioner may, however, in his discretion grant such privileges as he may deem just, when such ditch is intended to work bench or hill claims fronting on any such stream; provided that the rights of free miners then using the water so applied for be in all such cases protected.

Gold Commissioner may regulate size, &c., of ditches.

114. The Gold Commissioner shall have power, whenever he may deem it advisable, to order the enlargement or alteration of any ditch or ditches, and to fix what (if any) compensation shall be paid by the parties to be benefitted by such alteration or enlargement.

Waste of water not permitted.

115. Every owner of a ditch or water privilege shall be bound to take all reasonable means for utilizing the water granted and taken by him. And if any such owner shall wilfully take and waste any unreasonable quantity of water he shall be charged with the full rent as if he had sold the same at a full price. And it shall be lawful for the Gold Commissioner, if such offence be persisted in, to declare all rights to the water forfeited.

Water how to be distributed by grantee.

116. It shall be lawful for the owner of any ditch or water privilege to distribute for use the water conveyed by him to such persons, and on such terms as he may deem advisable, within the limits mentioned in their application. Provided, always, that the owner of any ditch or water privilege shall be bound to supply water to all applicants being Free Miners, in a fair proportion, and shall not demand more from one person than another, except where the difficulty of supply is enhanced.

Rent of \$5 per annum on 50 inches of water.

117. Unless otherwise specially arranged, an annual rent of Five Dollars shall be paid for every fifty inches of water used for mining purposes when not sold, and when sold the rent to be paid for any water privilege shall be in each month one average day's receipts from the sale thereof, to be estimated by the Gold Commissioner, with the assistance if he shall so think fit of a jury.

General regulations.

118. Any person desiring to bridge across any stream, or claim, or other place, for any purpose, or to mine under or through any ditch or flume, or to carry water through or over any land already occupied by any other person, may in proper cases do so with the sanction of the Gold Commissioner. In all such cases the right of the party first in possession whether of the mine or of the water privilege is to prevail, so as to entitle him to compensation and indemnity if the same be just.

119. In measuring water in any ditch or sluice, the following rules shall be observed:—The water taken into a ditch shall be measured at the ditch head with a pressure of seven inches. No water shall be taken into a ditch except in a trough placed horizontally at the place at which the water enters it. The aperture through which the water passes shall not be more than ten inches high. The same mode of measurement shall be applied to ascertain the quantity of water running out of any ditch into any other ditch or flume.

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Rules for measuring water.

120. Whenever it shall be intended, in forming or upholding any ditch, to enter upon and occupy any part of a registered claim, or to dig or loosen any earth or rock, within four feet of any ditch not belonging solely to the registered owner of such claim, three days' notice in writing of such intention shall be given before entering or approaching within four feet of such other property.

Notice of entering registered claim to be given.

121. Any person heretofore or hereafter engaged in the construction of any road or work may, with the sanction of the Gold Commissioner, cross, divert, or otherwise interfere with any ditch, water privilege, or other mining rights whatsoever, for such period as the said Commissioner shall direct.

Rules for diverting or crossing ditches.

122. The Gold Commissioner shall order what (if any) compensation for every such damage or interference shall be paid, and when, and to whom, and whether any and what works damaged or effected by such interference as aforesaid, shall be replaced by flumes or otherwise repaired, and in what manner, by the person or persons inflicting any such damage.

Gold Commissioner to settle compensation therefor;

123. Upon compliance with the requirements aforesaid, the Gold Commissioner shall certify in writing under his hand that the person or persons named therein were duly authorized to create the damage or interference aforesaid, and have duly fulfilled the requirements herein mentioned, and have also duly satisfied and discharged all damages by him or them occasioned to any persons whatsoever, in respect of the damage or interference referred to.

And to give certificate of authority;

124. Every such certificate shall be recorded by the said Gold Commissioner, in a book to be kept by him for that purpose at his office, and shall be at all times open to inspection upon payment of a fee of one dollar for every inspection.

To be recorded;

125. Every such certificate so recorded shall be sufficient evidence in any Court of Judicature in the Colony of all matters and things therein contained or referred to, and shall discharge the person or persons to or for whom the same is granted from all liability with respect to the damage or interference therein mentioned.

And to be sufficient in Law Courts.

126. The Gold Commissioner shall, upon the application of any party interested therein, and after notice as hereinafter mentioned to all whom it may concern, enquire into and decide all matters

Gold Commissioner to decide disputes.

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arising out of or connected with any such damage or interference as aforesaid, and such decision or judgment shall be final and without appeal, in all cases where such decision or judgment shall be given in respect of any sum or matters at issue, the amount or value whereof, which shall be stated in the decision, shall not exceed five hundred dollars.

Appeal may be made in cases over \$500 to the Supreme Court.

127. In cases where such amount or value shall exceed five hundred dollars, any party aggrieved by such decision may appeal against the same to the Supreme Court of Civil Justice, upon giving written notice of such intention to the Gold Commissioner, within four days of such decision, and upon giving, within such four days, to the Gold Commissioner whose opinion is appealed against, a good and sufficient bond or mortgage, the amount of which shall be fixed by the Commissioner, from the party or parties appellant, for the prosecution of the appeal, and for the payment of all such costs as may be awarded by the said Supreme Court.

Security of waste water in ditches to be at expense of owners.

128. The owners of any ditch, water privilege, or mining right, shall, at their own expense, construct, secure, and maintain all culverts necessary for the passage of waste and superfluous water flowing through or over any such ditch, water privilege, or right, except in cases where a natural stream or river applicable or sufficient for the purpose exists in the immediate vicinity.

Ditches to be constructed in a secure manner.

129. The owners for the time being, not being the Government, of any ditch or water privilege, shall construct and secure the same in a proper and substantial manner, and maintain the same in good repair to the satisfaction of the Gold Commissioner, and so that no damage shall occur, during their ownership thereof, to any road or work in its vicinity, from any part of the works of such ditch, water privilege, or right, giving way by reason of not being so as aforesaid constructed, secured, or maintained.

Damages to be made good by grantees.

130. The owners of any ditch, water privilege, or right, shall be liable and shall make good, in such manner as the Gold Commissioner shall determine, all damages which may be occasioned by or through any parts of the works of such ditch, water privilege, or right, giving way as aforesaid, and the same may be recovered before a Magistrate in a summary manner.

Notice to be given in Government Gazette.

131. The publication of any written notice to the party intended to be affected thereby, in two consecutive numbers of the Government Gazette, or any newspaper circulating in the Colony, or by affixing the same for ten days on some conspicuous part of any premises referred to in such notice, and also at the office of the Gold Commissioner, shall be deemed good and sufficient notice for all purposes under this Ordinance.

Saves public rights.

132. Nothing herein contained shall be construed to limit the right of the Chief Commissioner of Lands and Works to lay out

from time to time the public roads of the Colony, across, through, along, or under any ditch, water privilege, or mining right, in any unsurveyed Crown Land, without compensation, doing as little damage as conveniently may be in laying out the same.

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PART XI.

Mining Boards and their Constitution.

133. Upon petition, signed by not less than one hundred and one Free Miners in any district, it shall be lawful for the Gold Commissioner, acting for such district, to constitute therein a local board, to be called "The Mining Board."

Constitution of Mining Boards.

134. The Mining Board shall consist of nine members, who shall retire annually, and shall be elected by the votes of the inhabitants of the district, who are Free Miners at the time of the election.

Their number and election.

135. No Free Miner or other person shall be eligible as a candidate, unless he shall have been a registered owner of a mining interest in the district, for at least three months previous to the election.

Member's qualification.

136. Each voter shall have nine votes, but shall not be allowed to give more than one vote to each candidate.

Voter's qualification.

137. The votes of the electors shall be given in person by the voter, and the Gold Commissioner of the district shall act as the Returning Officer, and shall decide all questions as to qualification and disqualification of the members elect. The first election shall take place on such day as the Gold Commissioner may appoint.

Gold Commissioner to be Returning Officer.

138. If any member shall cease to be a registered Free Miner in the district, or shall be convicted of any misdemeanor, or felony, or of any wilful and malicious contravention of this Ordinance, or of any By-Law in force in the district, he shall ipso facto vacate his seat in each case, and not be re-eligible, save that a member vacating his seat, only by reason of ceasing to be a registered Free Miner, shall be again eligible at any time upon his becoming a registered Free Miner.

Vacancy of membership.

139. Whenever any member shall absent himself from three or more consecutive meetings of the Board, whether regular or adjourned meetings, he shall, upon a resolution passed by the Board to that effect, be considered to have vacated his seat therein.

Absence from meeting.

140. The Gold Commissioner shall fill by appointment all vacancies which may arise in the said Board, when the same may occur, and such appointees shall hold office until the next general election.

Vacancies in the Board.

141. The Mining Board shall, subject to the provisions hereof, have power by resolution to make By-Laws, which shall be submitted for the approval of the Gold Commissioner, (any By-Laws so approved by the Gold Commissioner, shall be immediately

Power to make by-laws, &c., which must be approved by the Governor.

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posted in the Gold Commissioner's Office), and also from time to time to suggest any alteration or repeal of existing laws for regulating the size of claims and sluices, the mode in which claims may be worked, held, and forfeited, and all other matters relating to mining in the district; and any By-Laws so made shall be binding in such district, until the same shall have been disapproved by the Governor.

Majorities.

142. Any resolution of such Mining Board may be passed by a bare majority of the members of such Board. The Gold Commissioner shall, within seven days after the receipt of the copy of any such resolution, signed by the Chairman of the Board, concerning any By-Law or general regulation which he shall on any grounds deem expedient to lay before the Governor, make and send a fair copy thereof, signed by such Gold Commissioner, with his opinion thereon.

Mining Board meetings.

143. The Mining Board shall meet at such times as a majority of the said Board shall decide, and one-half of the members of the said Board shall constitute a quorum. Provided, nevertheless, that it shall be lawful for the Gold Commissioner, and so often as in his opinion occasion shall require, to call together such Mining Board.

Votes oral.

144. The votes on all resolutions of the Mining Board shall be given by the members personally and by word of mouth.

Mode of conducting the proceedings.

145. All questions of order and of the time and manner of conducting the business at such Mining Board, and of the times and places of meeting after the first meeting thereof, may be decided by the majority of the said Mining Board, either from time to time as any question shall arise, or by any fixed rules and others as may be thought advisable.

Power to the Governor to dissolve any Mining Board.

146. It shall be lawful for the Governor, by an order under the Public Seal of the Colony, at any time to declare the Mining Board in any district dissolved, at a day to be named in such order, and if no day be therein named in that behalf, then as from the date of such order.

PART XII.

Penal Clauses and Clauses of Indemnity.

Summary power in cases of disobedience.

147. Any person wilfully or unlawfully acting in contravention of this Ordinance, or of any By-Law, Rule, or Regulation to be established by virtue of this Ordinance, or refusing to obey any lawful order of the Gold Commissioner, shall, on being summarily convicted before any Justice of the Peace or Gold Commissioner, be liable to a fine not exceeding two hundred and fifty dollars, or to an imprisonment not exceeding three months.

Penalties how recovered.

148. All penalties imposed under this Ordinance may be recovered forthwith, or at such reasonable interval after conviction

and non-payment as shall be allowed, by distress and sale of any mining or other personal property of the offender.

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149. All fines and fees whatsoever payable under this Ordinance, except otherwise expressly appropriated, shall be paid into the Treasury of the Colony as portion of the Revenue thereof, to the use of Her Majesty, Her heirs and successors.

All fines and fees to be paid into the Treasury.

150. Any person convicted and sentenced to any term of imprisonment beyond thirty days, or to pay any fine beyond one hundred dollars over and above the costs of conviction, may appeal to the Supreme Court of Civil Justice; provided that such person do, within forty-eight hours after such conviction, enter into recognizance with two sufficient sureties, conditioned personally to appear to try such appeal, and to abide the further judgment of the Court, and to pay such costs as shall be by such last mentioned Court awarded. And the convicting Gold Commissioner may bind over any witness or informant under sufficient recognizances to attend and give evidence at the hearing of such appeal.

Appeal to the Supreme Court in criminal and summary cases.

151. On any such appeal no objection shall be allowed to the conviction on any matter of form or insufficiency of statement, provided it shall appear to the said Supreme Court that the defendant had been sufficiently informed of the charge made against him, and that the conviction was proper on the merits of the case.

No merely formal objection allowed.

152. Any person who shall wilfully damage, destroy, or alter any Free Miner's Certificate, or who shall falsely pretend that he is the person named therein, or who shall wilfully destroy or falsify any of the records and registers hereby directed to be kept, shall be guilty of felony, and being duly convicted thereof shall be liable, at the discretion of the Supreme Court of Civil Justice, to penal servitude for not more than ten years.

Certain offences.

Felony.

153. Any person who shall steal, or sever with intent to steal, any gold or gold dust from any claim or from any ground comprised in any lease granted under this Ordinance, shall be guilty of felony, and being convicted thereof shall be liable to be punished in the same manner as in cases of larceny.

Stealing gold dust from claim felony.

154. Any person who shall, with intent to defraud his co-partner (or in cases of agency his principal) in any claim, secrete, keep back, or conceal any gold found in such claim he shall be guilty of felony, and upon conviction thereof shall be punished in the same manner as if he had feloniously stolen the same.

Defrauding co-partner or principal felony.

155. Nothing herein contained shall, save where such intention is expressly stated, be so construed as to affect prejudicially any mining rights and interests acquired prior to the passing of this Ordinance; and all rights and privileges heretofore and hereunder acquired shall, without the same being expressly stated, be deemed

Saves existing mining rights.

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to be taken and held subject to the rights of Her Majesty, Her heirs and successors, and to the public rights of way and water of this Colony.

Short Title.

156. This Ordinance may be cited for all purposes as "The Gold Mining Ordinance, 1867."

No. 91.

An Ordinance to regulate Excise in all parts of the Colony.

[2nd April, 1867.]

Preamble.

WHEREAS it is expedient to assimilate the Law of Excise in all parts of the Colony :

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Repeals former Acts.

1. The British Columbia "Distillers' Excise Act, 1861," and "The Distillers' Ordinance, 1865," are hereby repealed, but such repeal shall not affect any rights acquired or penalties or liabilities incurred under such Act or Ordinance, but the same shall be respectively held enforceable and recoverable as if such repeal had not taken place.

Distillers to take out a licence.

2. No person, other than a person licensed in the manner hereinafter provided, shall act as a Distiller in British Columbia, or shall distil, manufacture, rectify, or make therein any Spirits from vegetable or saccharine matter, under a penalty of fifty dollars for each day on which any such offence is committed, and on pain also of forfeiting, over and above the penalty aforesaid, all Spirits distilled, brewed, manufactured, or made in contravention to this Ordinance, and every still, mash-tub, fermenting-tun, or other vessel, machinery, or utensil of any kind used by him or in his possession, or on his premises.

Definition of a Distillery.

3. Any establishment or place used for the rectifying of Spirits, by any process, shall be deemed a Distillery within the meaning of this Ordinance.

Licence to be for one year at a place certain.

4. Every Stipendiary Magistrate in British Columbia may issue a licence to act as a distiller in some certain premises situate at some certain place, to be approved by such Magistrate, within such Magistrate's district, and to be described in the licence, to any person or partnership of persons requiring the same, and being residents or having his or their place of business in such district, and having previously complied with the requirements of this Ordinance

in that behalf, and each such licence shall remain in force for one year from the date thereof, and no longer.

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5. The party in whose favor a licence to act as Distiller is granted shall, on requiring such licence, pay to the Magistrate issuing the same the sum of twenty-five dollars, as a duty to Her Majesty upon such licence.

Licence fee.

6. No licence to act as a Distiller shall be granted to any party except on a written requisition addressed to the Magistrate and signed by the party requiring such licence, or, if it be required by a partnership, then by one of the partners.

Application for licence to be signed by applicant.

7. No such licence shall be granted to any party until such party has jointly and severally with two good and sufficient sureties to the satisfaction of the Magistrate issuing the licence, entered into a bond to Her Majesty, Her heirs and successors, in the sum of one thousand dollars, and such bond shall be taken before the said Magistrate, and shall be conditioned for the rendering of all accounts, and the payment of all duties and penalties which the party to whom the licence is to be granted will become liable to render or pay under the provisions of this Ordinance, and that such party will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, duties, and penalties as to all other matters and things provided by this Ordinance whatsoever.

Security to the extent of \$1000 to be taken by bond, with sureties.

8. The bond aforesaid shall remain in force as long as any duties upon any Spirits distilled, manufactured, or made, while the licence to which the bond relates is in force, or any penalty incurred during the said time by any breach of the conditions of the bond remain due and unpaid by the party to whom such licence was granted.

Duration of the bond to be until full satisfaction or all accounts, duties, and penalties.

9. Whenever any new licence is granted to any party, a new bond shall likewise be entered into with reference to such new licence.

New bond with fresh licence.

10. A new bond shall also be given whenever, during the period for which the licence to which it relates is in force, either of the sureties dies, becomes insolvent, or removes permanently out of the Colony; in any of which cases the licence shall become void from the time the party is required by the Magistrate to enter into a new bond until the time when such new bond is given, during which time the party neglecting to enter into such new bond shall be held to be without a licence.

New bond on death, insolvency, or bankruptcy of any surety.

11. Every party licensed as a Distiller shall have his name and calling as such inscribed in legible characters and exposed on some conspicuous part of the front of the building or premises in which such calling is exercised, under a penalty not exceeding fifty dollars for each day on which he exercises such calling without complying with the requirements of this section.

Name and calling of distiller to be publicly exhibited.

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Duty of \$1 per gall.
on spirits.

12. All such Spirits as aforesaid lawfully distilled, manufactured, or made within the Colony shall be respectively subject to the duty to Her Majesty hereinafter mentioned, that is to say:—On every gallon, imperial measure, of Spirits of any kind, not exceeding the strength of proof by Syke's Hydrometer, and so in proportion for any greater strength than the strength of proof, and for any greater or less quantity than a gallon, one dollar, and such duty shall be computed and charged upon the quantity of Spirits to be ascertained after the first process of rectification, and shall be paid by the party distilling, manufacturing, or making such Spirits, to the Magistrate, in the manner hereinafter mentioned.

Book detailing the
products used and
the spirits obtained
by distillation.

13. Every person or party licensed as a Distiller shall keep a book or books (in a form to be approved by the Collector of Customs) and to be open at all reasonable hours to the inspection of any Magistrate, or Customs or Excise Officer, or of any person authorized by a Magistrate to inspect such book, in British Columbia, wherein such Distiller shall enter from day to day the quantities of grain or other vegetable production or other substance put by him in to the mash-tub, or otherwise used by him for the purpose of producing Spirits, or otherwise disposed of; and also the quantity of Spirits by him distilled, manufactured, or made, showing the quantity produced at each separate time if there have been any distinct set or sets of operations by reason of which duties have become payable. And for any wilful false entry, or any wilful neglect to make any entry hereby required, the Distiller shall incur a penalty not exceeding two hundred and fifty dollars, and the Magistrate, Customs or Excise Officer, or other authorized person may at all times demand to be shown all the stock of such grain, vegetable production, or other substance as aforesaid then, on the premises mentioned in the licence.

Accounts to be rendered to the Magistrate.

14. Every party licensed to act as a distiller and acting as such shall, within ten days after the first day of each of the months in each year, render to the nearest Magistrate a just and true account in writing, extracted from the books to be kept by such person as aforesaid, and signed by such party, or his agent, or chief clerk, showing:—

- (1.) The total quantity in gallons of each kind of Spirits (with the strength thereof) on which a duty is payable, by him distilled, manufactured, or made.
- (2.) The quantity produced at each separate time, if there have been any distinct set or sets of operations, by reason of which duty became payable.
- (3.) The quantities of each kind of grain or other vegetable production or substance used by such party in his business as a Distiller.

(4.) And such account shall be attested by the person signing the same by an affidavit in the following form:—

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“I, _____, do solemnly swear that the account above written, to which I have also subscribed my name, contains a true account of the total quantity of every kind of Spirits or Strong Waters, or Spirituous Liquors, distilled, manufactured, or made by me (or by _____ as the case may be) within the time mentioned in the same account, and on which duty is payable, and of the quantities of each kind respectively, and the strength thereof; and also of the quantities produced at each separate time therein mentioned by a distinct set of operations, and also of the quantities of all grain or other vegetable production or substance consumed by me (or by the said _____) during the same time. So help me God.”

15. Such affidavit shall be made before the said Magistrate, and shall be delivered with such account to the said Magistrate, who may put to the person making it such question as he may deem necessary to the elucidation and full understanding of the account, and for ascertaining whether such person has had the means of knowing the same to be correct, and may require his answers to be sworn to before him, and may reject the account if such account or the answers so given are insufficient according to the true intent and meaning of this Ordinance.

Affidavit to be made before the Magistrate who may interrogate on affidavit.

16. And any wilfully false statement in any affidavit or answer to a question required by this Ordinance, shall be deemed wilful and corrupt perjury, and punishable accordingly.

Wilfully false statement to be perjury.

17. Every licensed Distiller shall, at the time of rendering such account as aforesaid to the Magistrate, pay over to that officer the amount of duties which by such account appear to be payable, other than such duties which may be payable in respect of Spirits deposited in a bonded or certified warehouse as hereinafter mentioned,

Sums due to be paid in to the Magistrate.

18. If any licensed Distiller refuses or neglects to render such account or to pay over such duties as aforesaid, according to the true intent and meaning of this Ordinance, he shall by such refusal or neglect, in either case, incur a penalty not exceeding two hundred and fifty dollars, and the Magistrate may also, at his discretion, cause a notice to be inserted in one or more of the local papers, or the Government Gazette, declaring the party so refusing or neglecting to have forfeited his licence as a Distiller, and such licence shall be forfeited accordingly, and shall be null and void from and after the date of such notice, nor shall any new licence be granted to the defaulter until after the debt and penalty aforesaid have been paid and satisfied.

Penalty for neglect.

19. Any Spirits subject to duty under this Ordinance may be deposited in a bonded or certified warehouse, as hereinafter mentioned.

Bonded and certified warehouses.

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Certified warehouse.

Magistrate to have the key, and may enter at all hours.

Magistrate or person by him nominated to be present at the removal of Spirits from a certified warehouse.

Penalty on persons entering a certified warehouse without the consent of the Magistrate.

Collector of Customs may make regulations with regard to warehousing.

Magistrate may inspect books.

Place of production to be on the business premises.

Notice to Magistrate previously to working the distillery.

Meaning of working a distillery.

20. A certified warehouse shall be some place approved by the Magistrate within his district for the storage of Spirits on which the duty is unpaid.

21. The key to the certified warehouse shall be kept by the said Magistrate, and he or his agents may at any time, either in the day or night, enter therein and inspect the Spirits therein contained, and may test and examine the same, and take such other steps for the protection of the Revenue as in his absolute discretion he may think proper.

22. No Spirits shall be removed from a certified warehouse after having been placed therein without the presence either of the Magistrate or of some person nominated by him in that behalf, and the amount of duty after the rate aforesaid shall be payable on the Spirits so removed on the next monthly settlement of account.

23. Any person entering into a certified warehouse without the consent of the Magistrate shall be liable to a penalty not exceeding two hundred and fifty dollars, and any person removing any Spirits from a certified warehouse except in the presence of the Magistrate or person nominated by him shall be liable to a penalty not exceeding five hundred dollars.

24. The Collector of Customs may, with the approval of the Governor, make such regulations as to him may seem necessary relative to the warehousing of Spirits under this Ordinance.

25. Every licensed Distiller shall, on being thereunto required by a Magistrate or by any person authorized by a Magistrate, produce to him at any seasonable time and hour, and shall allow him to take copies and extracts from such books and accounts as are requisite to enable him to verify any account rendered as aforesaid, and shall at all times and hours allow the Magistrate, or any person employed by him, free access to the buildings and premises in which such Distiller exercises his calling as such, under a penalty of twenty-five dollars for each neglect or refusal to comply with the requirements of this section.

26. Except that no Magistrate or other person shall require any such book or account to be produced to him elsewhere than at the place where such Distiller carries on his business as such.

27. No Distiller shall work his Distillery at any time unless he has given at least twenty-four hours' previous notice in writing to the nearest Magistrate of his intention to work the same at such time, and such notice shall not extend to a longer period than thirty days from the delivery thereof to the said Magistrate.

28. Any use made of any still, mash-tub, or fermenting-tun, for the purpose of distillation, mashing, or fermentation, shall be deemed to be a working of the Distillery and an acting as a Distiller within the meaning of this Ordinance.

29. If any Distiller works his Distillery at any time for which he has not given notice of his intention to work the same, he shall for each day on which he so works such Distillery incur the same penalty and forfeiture as if he had worked the same without a licence.

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Penalty for working without a notice.

30. Every licensed Distiller shall at all times furnish the Magistrate or his assistant, or other authorized person, with lights, ladders, measures, and other things requisite to enable him properly to examine, inspect, measure, or gauge any still, auxiliary vessel, mash-tub, fermenting-tun, or other vessel, or any grain, vegetable, or other substance or matter as aforesaid on the premises of such Distiller, or any part of such premises, under a penalty of twenty-five dollars for any refusal or neglect to comply with the requirements of this section.

Distiller to furnish lights, ladders, measures, &c., for the purpose of inspection.

31. The Magistrate and any person or persons acting under him or by his directions may, at any hour of the day or night, enter any premises referred to in any licence granted under this Ordinance, and may make all necessary enquiries and searches therein for the purpose of ensuring the execution of this Ordinance according to its true intent and meaning, subject to the restrictions hereinbefore mentioned.

Magistrate may enter.

32. It shall be lawful for any Distiller to bond any Spirits manufactured under this Ordinance in this Colony, and to export the same in bond from the Colony, nevertheless with, under, and subject to all such regulations and restrictions for the protection of the Revenue, as shall from time to time be prescribed by the Collector of Customs in that behalf.

Spirits may be bonded in the Colony, and exported in bond under certain restrictions.

33. Any duties payable under this Ordinance shall be recoverable at any time after the same ought to have been accounted for and paid, whether on account of the quantity of Spirits as aforesaid on which they are payable has or has not been rendered as aforesaid, but in the case last mentioned the party by whom such duties are payable shall incur a penalty not exceeding the sum of two hundred and fifty dollars, and the amount of duties, for his neglect to render the accounts relative to the same as hereinbefore required, in addition to any other penalty incurred by him by such neglect; and all such duties shall be recoverable with full costs of suit in favor of Her Majesty.

Recovery of duties.

34. The payment of any penalty imposed by this Ordinance shall not discharge the party paying the same, or his sureties, from the obligation to pay all duties due by such parties, and the same shall be paid and may be recovered as if such penalty had not been paid or incurred, and all such duties shall be recoverable with full costs of suit, as a debt due to Her Majesty.

Payment of penalty not to affect the payment of duties.

35. And without any prejudice to the liability of any other property of the debtor or his sureties, the stock in trade, stills and

Stock in trade, and utensils, &c., to be liable for duties.

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mash-tubs, fermenting-tuns, and other machinery and utensils, whether so fixed as to form part of the real or immovable property or not, which are on the premises mentioned in the licence at the time any such duties become due, shall be liable for such duties and for any penalty incurred by the Distiller on whose premises they are by special privilege and lien in favor of the Crown; and may be seized and sold in satisfaction of the same under any Warrant of Distress or Writ of Execution, and removed by the purchaser, to whomsoever the same might otherwise belong, or into or in whose lands or possession soever the same have passed or are found, and notwithstanding any claim to the same, or privilege, or lien thereon in favor of any other person or party whomsoever; and if the same be forfeited under the provisions of this Ordinance for any contravention thereof, they may be seized by the Magistrate or any person acting under his authority, at any time after the commission of the offence for which they are forfeited, and marked, detained, or secured until condemned or released by competent authority, and shall not, while under seizure, be used by the offenders, and if condemned they shall be removed, or sold, or otherwise dealt with in such manner as the Magistrate shall direct.

Summary procedure

36. The penalty or forfeiture incurred for any offence against the provisions of this Ordinance, and the duties payable hereunder, may be sued for and recovered before the Magistrate of the district in which the offence was committed, or the premises used as a Distillery is situate; and any such penalty or duty may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, under the warrant of such Magistrate; or the said Magistrate may, in his discretion, commit the offender to gaol, until the penalty with the costs of prosecution shall be paid.

General jurisdiction.

37. Provided, always, that any pecuniary penalty or any forfeiture imposed by this Ordinance, whatever may be the amount thereof, may be sued for and recovered with costs, on the oath of any competent witness, in any Court having civil jurisdiction to the amount of such penalty or forfeiture, by Her Majesty's Attorney General, or by any other person or officer thereunto authorized by the proper authority; and such penalty or forfeiture shall belong to Her Majesty.

Saving of persons who may seize with probable cause.

38. No person making any seizure under this Ordinance shall be liable to damages if such seizure be declared not valid, providing the Court or Magistrate declaring it not valid, certify that there was probable cause for making it.

Penalty on witnesses refusing to appear and answer.

39. Any person refusing or neglecting to appear before any Magistrate, or any Court, to give evidence when summoned, concerning any alleged offence against the provisions of this Ordinance, shall for such refusal or neglect incur a penalty of not more than

two hundred and fifty dollars, to be recovered in the manner hereinbefore provided for the recovery of other penalties of like amount.

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40. When any act, deed, matter, or thing is required or permitted to be done, performed, or executed by any public officer by virtue of his office, the same may be done, performed, or executed by any person for the time being lawfully acting or empowered to act in such office, and in particular where any act, deed, matter, or thing is required or permitted to be done, performed, or executed by the Governor, the same may be done, performed, and executed by the person for the time being lawfully administering the Government.

Powers of temporary public officers.

41. Whenever in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided or there be something in the subject or context repugnant to such construction.

Interpretation Clause.

42. This Ordinance may be cited for all purposes as "The Excise Ordinance, 1867."

Short Title.

No. 92.

An Ordinance to assimilate the Laws for the regulation of Harbours in all parts of the Colony of British Columbia.

[2nd April, 1867.]

WHEREAS it is expedient to assimilate the Laws for the regulation of Harbours in all parts of the Colony of British Columbia:

Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. "The Harbour Regulation Ordinance, 1865," of the Colony of British Columbia before the Union, and "The Harbour Regulation Act, 1863," of the former separate Colony of Vancouver Island and its Dependencies, are hereby repealed. Provided, however, that all liabilities and penalties imposed and accruing due under the said repealed Ordinance and Act, or either of them, and all remedies and punishments for recovering and enforcing the same shall still, notwithstanding such repeal, remain in full force and effect, and be capable of being enforced and inflicted as if such Ordinance and Act were still in force, but not further or otherwise.

Repeals former Acts.

A.D. 1867.

Harbour Master to
make general Har-
bour regulations.

2. The Harbour Master of every Harbour or Port in the Colony of British Columbia shall give directions for regulating the time at which and the manner in which every Vessel shall enter into, go out of, or to or be in any Harbour, Pier, or Wharf within the jurisdiction of such Harbour Master; and the position, mooring, or unmooring, placing, and removing of every Vessel whilst therein; for removing unserviceable Vessels and other obstructions from the Harbour, Pier, or Wharf, and keeping the same clear; and for regulating the use of fires and lights within or upon the Vessels in the Harbour, or in or at any Pier or Wharf.

Penalties for non-
conformity there-
with.

3. The Master of every Vessel within any Harbour, or at any Pier or Wharf, shall regulate such Vessel according to the directions of the Harbour Master, made in conformity with this Ordinance. Any Master or other person in charge of any Vessel who, after notice of any such direction by the Harbour Master served upon him, shall not forthwith regulate such Vessel according to such directions, shall be liable to pay a penalty not exceeding one hundred dollars.

Charges incurred
by Harbour Master
when to be levied
by distress.

4. In the event of the Harbour Master not finding the Master or Officer in charge of any Vessel on board to obey his instructions when the service is required without delay, or in the event of such Master or other person neglecting to satisfactorily conform to such direction, it shall be lawful for the said Harbour Master, or any person acting under his authority, to employ a sufficient number of persons to perform the required service, and to recover the amount of the same from the Owner or Master of such Vessel, in a summary manner before any Justice of the Peace, and in case of refusal or neglect of payment of such charge for the space of seven days after conviction, the Harbour Master may levy such charge by distress and sale of such Vessel, or the tackle or furniture thereof, and the said Justice shall issue his warrant accordingly. Provided, that the levy aforesaid shall in nowise affect any penalties to which such Master or other person shall have rendered himself liable.

Rules for discharg-
ing coals, ballast,
and loose material.

5. Every Master or person in charge of any vessel, previously to loading or unloading, or discharging ballast, coals, cinders, stones, bricks, tiles, or any other loose matter of a like nature, shall be and is hereby required to fasten canvas, or a cloth, or a shoot from the Vessel, extending to the wharf, quay, or vessel, to or from which such ballast or other loose material shall be conveyed, so as to prevent any part thereof from dropping into the Harbour, and shall place the same at such distance or point from or near the edge of every quay or wharf in which the same shall be placed to be loaded or discharged, as such Harbour Master shall order, and in default of so doing every such Master or other person shall be liable for every such offence to a penalty not exceeding one hundred dollars.

A.D. 1867

Removal of tar,
pitch, gunpowder,
&c., &c.

6. Every person being the owner of or having the charge of any tar, pitch, resin, spirituous liquors, turpentine, oil, gunpowder, or other combustible thing which shall be upon any quay or wharf, or on the deck of any vessel within any Harbour, or at or near any wharf or pier, shall cause the same to be removed to a place of safety, or otherwise secured or rendered safe, within two hours after being required so to do, by notice in writing under the hand of the Harbour Master, and in default of so doing shall be liable to a penalty not exceeding twenty-five dollars for every hour such combustible thing shall remain in any such place aforesaid, after the expiration of two hours from the service of such notice.

7. Every person who shall throw or put any ballast, earth, stones, ashes, rubbish, or other material into any Harbour, or shall knowingly permit the same to be so thrown or put, shall, unless he shall have obtained permission in that behalf in writing, under the hand of the Harbour Master, with the sanction of the Governor for the time being, be liable to a penalty not exceeding two hundred and fifty dollars for every such offence, and on such offence being proved, one-half of the said penalty may, at the discretion of the Justice before whom the complaint shall be made, be paid to the informer or informers thereof.

Penalty for throw-
ing rubbish into
Harbours.

8. No Master, Commander, or Pilot, having the charge of any Vessel or Ship, shall moor or in any way make fast any such Vessel or Ship to any buoy or beacon not being a mooring buoy or beacon, or make use of the same for warping, under a penalty not exceeding five hundred dollars.

Penalty for mooring
on buoys.

9. Every Master, Commander, Pilot, or other person having charge of any Vessel or Ship, shall, when required so to do by the said Harbour Master, or by any person acting under his authority, peak their yards, place sprit sail yard fore and aft, run jib-boom in, get their anchors on the forecastle deck, rig in main and mizen booms, and stern and quarter davits.

Vessels to be trim-
med as Harbour
Master may order.

10. Any Master or other person having the command of any Vessel, who shall give false information of the draught of water of any such Ships, shall be liable to a penalty of not exceeding ten dollars.

Penalty for false
information as to
draught of water.

11. Any Master or other person who shall remove, or wilfully, or through negligence, injure or destroy, or permit a Vessel to strike any lightship, beacon, buoy, lighthouse, or land mark belonging to the Colony, and within the jurisdiction thereof, shall for each such offence be subject to a penalty of not exceeding five hundred dollars, in addition to the amount of the damage done, the amount of such damage to be ascertained in a summary manner before any Justice of the Peace, and in default of payment to be levied by distress and sale of the goods of the offender, of the vessel doing the damage, or of the tackle or furniture thereof; provided, that the

Penalty for injuring
buoys, beacons, &c.

A.D. 1867.

offender may be arrested and detained in custody until the return of the warrant of distress; and in case of the insufficiency of such distress, he may be committed to prison for three calendar months, or until payment of the amount for the time being remaining due of such penalty, damages, and all costs incurred in carrying out the provisions of this Ordinance.

Vessels not to be smoked unless by Harbour Master's permission.

12. No Master, Commander, Pilot, or other person in charge of any Vessel or Ship, shall be allowed to smoke any such Vessel or Ship for rats or vermin, without the authority of the said Harbour Master.

Pitch and oil not to be melted unless by Harbour Master's permission.

13. No pitch, tar, or other combustible matter, shall be heated or melted on board of any Vessel or Ship, or on the Wharves, within the precincts of any of the Harbours of British Columbia, by any Master, Commander, or Pilot, in charge of any Vessel or Ship, without the consent of the Harbour Master.

Moorings not to be cut.

14. No person or persons shall let go, cut, or unfasten any rope, chain, or other fastening to or from any vessel, or buoy, anchor, mooring, 'dolphin, or wharf, or other place connected with any Ship or Vessel in any Harbour of British Columbia, unless authorized so to do by the said Harbour Master, or by some person acting under his orders, or by the Pilot, Master, or Commander of any Vessel or Ship which may be in the act of mooring, unmooring, or removing.

Harbour Master not to be impeded in his duties.

15. Masters, Commanders, or crews of Vessels or Ships shall not impede the said Harbour Master, or any person acting under his orders, or in the execution of their duties.

Penalties.

16. Any person infringing any provisions of this Ordinance shall be liable to a penalty not exceeding twenty-five dollars for each and every such offence, unless otherwise herein specially provided for.

Penalties how recovered.

17. Wherever in this Ordinance any pecuniary penalty is imposed for any offence, the same may, unless otherwise provided, be recovered by way of summary proceedings before any single Justice of the Peace having jurisdiction in the locality in which the offence was committed, and every such penalty may, with costs of conviction, be levied by distress and sale of the goods and chattels of any offender; and in case such goods and chattels shall prove insufficient to satisfy such penalty and costs, then by imprisonment of such person so offending, for any term not exceeding three calendar months.

Warrant of commitment.

18. In case of any summary conviction under this Ordinance, no warrant of commitment upon a conviction shall be held to be invalid by reason of any defect therein, if it be therein alleged that the person offending has been convicted and there be a good and valid conviction to sustain the same.

19. The word "Harbour" shall include all Ports, Inland Places, and Waters to which the provisions of this Ordinance may be applied or from time to time varied by any Proclamation of the Governor to that effect. A.D. 1867.
Interpretation
Clause.

20. This Ordinance may be cited for all purposes as the "Harbour Ordinance, 1867." Short Title.

No. 93.

An Ordinance to assimilate the Law regarding Aliens in all parts of the Colony of British Columbia. A.D. 1867.

[2nd April, 1867.]

WHEREAS it is expedient to assimilate the Law regarding Aliens in all parts of the Colony: Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. "The Aliens Act, 1859" of British Columbia before the Union, and "The Act to enable Aliens to hold Real Estate, 1861," and "The Alien Act, 1861," of the former Colony of Vancouver Island, are hereby repealed; but such repeal shall not affect or prejudice any rights acquired or things bona fide done thereunder. Repeals previous
Acts.

2. All Aliens who shall have been heretofore duly naturalized, either in that portion of British Columbia heretofore called the Colony of Vancouver Island and its Dependencies, or the remainder of the present Colony of British Columbia, shall be deemed and taken to have been duly naturalized and entitled to hold and transmit all and singular the rights, benefits, and privileges, of and from naturalization as British-born Subjects, and therewith connected, as and from the date of their naturalization in either of such respective portions of this Colony, as if they had been duly naturalized at such last mentioned date in and for the whole of the Colony. Rights of Aliens
naturalized before
Union.

3. Every Alien now residing, or who may hereafter come to reside in the said Colony with intent to settle therein, and who shall have actually resided therein for a continuous period of one year, without having been, during any portion of that time, a stated resident in any Foreign Country out of Her Majesty's dominions, shall be entitled to procure himself to be naturalized in manner hereinafter described. Alien may be natu-
ralized after one
year's residence.

4. Every Alien desirous of becoming so naturalized, shall procure a declaration of residence and character, to be made and subscribed by some British Subject in the form marked A. in the Schedule hereto. Such Alien shall, in the next place, make and subscribe a How naturalized.

A.D. 1867.

declaration of residence in the form marked B. in the said Schedule hereto, and shall also take the oath of allegiance to Her Majesty and Her successors, in the form marked C. in the said Schedule.

Declaration how to
be taken.

5. Every such declaration and oath may be taken, made, and subscribed before any Justice of the Peace acting in any part of the Colony of British Columbia, or before any person appointed by Her Majesty to be a Judge in British Columbia. Every such declaration and oath shall be forthwith delivered to such Alien, with the Certificate at the foot thereof, signed by such Justice of the Peace, or by the Registrar of the said Judge, stating the compliance on the part of the said Alien with the regulations hereinbefore contained.

Proceeding before
Supreme Court.

6. It shall be lawful for the said Alien to present all the said documents, properly subscribed and filled up as aforesaid, in open Court, on the first day of any Assizes or general sittings of the Supreme Court of Civil Justice of British Columbia, in any place in the said Colony, and all such documents shall then be read aloud in open Court, and it shall be lawful for the said Court, on the last day of the said Assizes or general sittings, to order all the said documents and proceedings to be entered as of record in the said Court, and thereupon such Alien shall be admitted and deemed, while within the said Colony of British Columbia, to be thenceforth a British subject to all intents and purposes whatever, and to hold, enjoy, and transmit all property, rights, and capacities in the same manner as if born within Her Majesty's dominions.

Women naturalized
by marriage.

7. Any woman (not a British subject previously to her marriage) married to a British subject, whether by birth or naturalization, shall be deemed to be a British subject, naturalized as from the date of her marriage, or of her husband's naturalization, whichever event shall last happen.

False statement
perjury.

8. The declarations hereinbefore referred to (the forms whereof are set forth in the Schedule hereunto) shall be deemed to be made in accordance with the Act 5 and 6, William IV., c. 62, for the abolition of unnecessary oaths; and any wilful false statement made therein shall be deemed perjury, and shall expose every person making such false statement or procuring the same to be made to all the penalties of perjury; and in addition to all such penalties, it shall be lawful for the said Court, on motion by the prosecutor, on any trial for perjury or subornation of perjury in respect of any such declaration, to declare null and void the naturalization based upon such false declaration; and thereupon all such steps shall be taken as shall be thought fitting by the said Court. Provided, nevertheless, that nothing shall affect the rights of any other person, derived under the person whose naturalization is so annulled, unless such other person shall have been cognizant of the perjury at the time of acquiring the right.

Penalty.

9. There shall be paid to the Justice of the Peace before whom such declarations and oaths as aforesaid shall be taken and subscribed, the sum of one dollar and no more for each such declaration, and for such oath respectively, and to the Registrar of the said Court for reading and recording the said certificate and documents, the sum of one dollar and fifty cents and no more; and for every copy of such documents the same amount as for an office copy of any judgment of the said Court; and all such fees shall be applied as any other fees payable to Justices and Registrars are applicable by Law or custom.

A.D. 1867.

Fees to be paid.

10. Every Alien shall have the same capacity to take, hold, enjoy, recover, convey, and transmit title to land and real estate of every description in this Colony, as if he were at the time of the passing of this Ordinance a natural-born British subject; and no person shall be disturbed in the possession or precluded from the recovery of any lands or real estate in this Colony by reason only that some person from or through whom he may derive his title was an Alien.

Rights of Aliens to hold Real Estate.

11. This Ordinance may be cited for all purposes as "The Aliens' Ordinance, 1867."

Short Title.

THE SCHEDULE BEFORE REFERRED TO.

FORM A.

I, *M. N.*, of do solemnly declare that I am a naturalized British (or British born subject as the case may be), and that I have known *A. B.*, of a Prussian subject (or as the case may be), ever since , and that the said *A. B.* has resided within the Colony of for a period of [*one year or upwards*] that he is a person of good character, and that there exists to my knowledge no reason why to the said *A. B.* there should not be granted all the right and capacities of a natural-born British Subject, and I make this solemn declaration conscientiously believing the same to be true, and in compliance with the provisions of the Statute made and passed in the Session of Parliament, held in the 5th and 6th years of the Reign of the late King William IV., intituled "An Act for the abolition of unnecessary Oaths."

(Signed) *M. N.*

Declared and subscribed by the said *M. N.*, before me, in pursuance of an Act of the Imperial Parliament of the United Kingdom, 5 and 6, William IV., c. 62, and of "The Aliens' Ordinance, 1867." And I hereby certify that to the best of my knowledge and belief, the said *A. B.* has complied with the requisite formalities specified in such Ordinance,

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—

entitling him to be naturalized as a British subject, and I know of no reason why he should not be so naturalized.

(Signed) J. P.

J. P. for , resident at , this day of , 18 .

 FORM B.

I, *A. B.*, do solemnly declare that I have resided one year in this Colony, with intent to settle in this Colony, and without having been during that time a stated resident in any Foreign Country. And I make this solemn declaration conscientiously believing the same to be true, and in compliance with the provisions of the Statute made and passed in the Session of Parliament, held in the 5th and 6th years of the Reign of the late King William IV., intituled "An Act for the abolition of unnecessary Oaths."

(Signed) *A. B.*

Declared and subscribed before me, in pursuance of an Act of the Imperial Parliament of the United Kingdom, 5 and 6, William IV., c. 62, and of "The Aliens' Ordinance, 1867." And I hereby certify that to the best of my knowledge and belief, the said *A. B.* has complied with the requisite formalities specified in such Ordinance, entitling him to be naturalized as a British subject, and I know of no reason why he should not be so naturalized.

(Signed) J. P.

J. P. for , residing at , this day of 18 .

 FORM C.

Oath of Allegiance.

"I, *A. B.*, do solemnly promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and Successors. So help me God."

(Signed) *A. B.*

Sworn and subscribed by the said *A. B.*, before me, this day of 18 . And I hereby certify that to the best of my knowledge and belief, the said *A. B.* has complied with "The Aliens' Ordinance, 1867," entitling him to be naturalized as a British subject, and I know of no reason why he should not be so naturalized.

(Signed) J. P.

J. P. for , residing at , this day of 18

No. 94.

An Ordinance to Incorporate the City of Victoria.

A.D. 1867.

[2nd April, 1867.] AMENDED by No. 131.
Vide Nos. 121 & 136.
Preamble.

WHEREAS it is expedient that the Inhabitants of the tract of Land commonly known as Victoria Town should be Incorporated:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. From and after the passing of this Ordinance, the inhabitants of the tract of land specified in the first part of the Schedule hereto shall be incorporated under the style and title of "The Corporation of the City of Victoria," and may sue and be sued by that corporate name. Incorporates City of Victoria.

2. The City shall be divided into three Wards:—The Johnson Street Ward, the Yates Street Ward, and the James Bay Ward. Creates three wards.

The Johnson Street Ward shall include the tract of land specified in the second part of the Schedule hereto:

The Yates Street Ward shall include the tract land of specified in the third part of the said Schedule:

The James Bay Ward shall include the tract of land specified in the fourth part of the said Schedule.

3. The Government of the said City shall, subject to the provisions of this Ordinance, be placed under the control of a Municipal Council. Such Council shall consist of a Mayor and six Municipal Councillors, possessed of the qualifications and subject to none of the disqualifications hereinafter specified. Constitution of Council.

4. The qualification for a Mayor or Municipal Councillor shall be as follows:— Qualification of Mayor and Councillors.

Being a male British subject of full age:

Having resided within the Colony of British Columbia for a space of six calendar months previous to the election:

[*Being at and having been for the three calendar months next preceding the time of election, rated on the Municipal Assessment Roll of the same City, in respect of freehold to at least the value of five hundred dollars, or in respect of leasehold to at least the yearly rental of one hundred dollars:*] Vide No. 127.

5. The disqualification for a Mayor or Municipal Councillor shall be as follows:— Disqualification of Mayor and Councillors.

Being a Minister of any religious denomination:

Being a Sheriff, or a Sheriff's Officer:

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Being a Bankrupt, Insolvent Debtor, or Outlaw, or having been convicted of felony:

Having directly or indirectly any contract with the Corporation:

Being a Naval or Military Officer on full pay, or being in receipt of any allowance from the Corporation.

Mayor how elected.

6. The candidate for the Mayoralty (being duly qualified therefor) who shall obtain the greatest collective number of votes, shall be Mayor.

Municipal Councillors how elected.

7. There shall be two Municipal Councillors elected in manner hereinafter mentioned, in each of the said Wards.

By what votes.

8. The two candidates in each ward (duly qualified) who shall obtain the greatest number of votes in the ward for which they stand, shall be Municipal Councillors.

Who may vote.

9. Every person possessed of the qualifications and under none of the disqualifications hereinafter mentioned, concerning voters of the said Corporation, shall have one vote in the election of a Mayor, and shall, in addition, have two votes in the election of Municipal Councillors for each ward wherein he has qualification, but in voting for Municipal Councillors he shall only vote once in the same ward, and may split his vote between any two of the candidates, or vote for one candidate only, and if he shall vote for one, his vote shall only count one.

Voting open, and not by proxy.

10. The voting for Mayor and Councillors shall be open, and no one shall vote by proxy.

Term of election.

11. The Mayor and Municipal Councillors shall be elected for one year; provided, always, that if the Mayor, or any of the Municipal Councillors, or any person on his or their behalf, or any person in partnership with him or them, shall enter into or obtain any interest, directly or indirectly, in any contract, entered into by or with the Corporation, such Mayor or Municipal Councillor having any interest in any contract, or having become disqualified as aforesaid, shall immediately be disqualified from continuing to be Mayor or Municipal Councillor, as the case may be.

Forfeit of \$2,500.

Provided, always, that if any Mayor or Municipal Councillor shall vote at any meeting of the Municipal Council, or shall not resign his office within the space of one calendar month from the time when he shall have entered into or obtained any interest in any such contract as aforesaid, such Mayor or Municipal Councillor shall forfeit to the Corporation a sum of two thousand five hundred dollars, and as to the said sum, the same may be recovered by action, to be brought in the name of the Corporation of the City of Victoria; but all votes given under such circumstances shall be valid.

Fixes day of nomination.

12. The nomination shall be on the 8th day of November, in each year, and the polling (if any) on the day following; provided,

that if either of the said days shall fall on a Sunday, the nomination or polling shall take place on the following day. A.D. 1867.

13. The poll shall be held in such place as shall be in that behalf appointed by the outgoing Municipal Council, who shall give at least seven days' notice of the place of nomination and poll in each ward, by advertisement thereof in one or more newspapers published in the city. Place of poll.

The vote for Mayor shall be given in Yates Street Ward, and no other.

14. The outgoing Municipal Council shall appoint the Returning Officers previous to any ensuing election. Returning Officers.

The Returning Officer of Yates Street Ward shall on the day of nomination, at noon, nominate such persons as shall be put in nomination in that behalf by some duly qualified voter, as candidates for the office of Mayor or Municipal Councillor, as the case may be; a show of hands shall then take place, and the Returning Officer shall thereupon declare which of the candidates has or have been elected by the show of hands. Duties of Returning Officers.

Any candidate, or voter on his behalf, may thereupon demand a poll, which shall be taken on the day of polling, and the Returning Officer shall, within twenty-four hours after the close of the poll, publicly declare the number polled for each candidate, and who has or have been elected by the greatest number of votes.

In case of a poll being demanded, the poll books and lists of voters for each ward shall be supplied by the outgoing Municipal Council to the Returning Officers.

The polls shall be kept open between the hours of eight o'clock a.m. and four o'clock p.m. The Returning Officers shall immediately after the declaration of the poll deliver to the Clerk of the Municipal Council the poll books sealed; and such Clerk shall permit any reasonable inspection thereof by any duly qualified voter, and if required, furnish a certified copy thereof, upon payment of twenty-five cents per hundred words.

In the election of Mayor or Municipal Councillors, if there be an equality of votes, the Returning Officer shall have a casting vote, to be given at the time of the declaration of the poll.

All expenses attendant upon any election under this Ordinance shall be borne by the candidates in equal proportion; such expenses in any ward shall not exceed the sum of fifty dollars.

15. The qualification of voters shall be as follows:—

Being a male of full age:

Having resided in the Colony of British Columbia for the three calendar months next preceding the election at which he tenders his vote:

Being at the time of tendering his vote rated on the Municipal

Qualification of
voters.

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Assessment Roll of the said city, and having paid all assessments due up to the time of voting.

Disqualification of voters.

16. The disqualification of voters shall be as follows:—

Being a Bankrupt, Insolvent Debtor, or Outlaw, or having been convicted of felony.

Voters may be questioned.

17. Every person tendering his vote at the election of a Mayor or Municipal Councillor shall before voting, if required by any duly qualified voter so to do, answer such of the following questions as shall be put to him:—

(1.) Are you the same person whose name appears in the Municipal List of Voters for the City of Victoria as [A. B.]?

(2.) Have you already voted during this election for Mayor or Municipal Councillors in this Ward?

(3.) Have you paid all Municipal Taxes due from you up to this date?

Penalty for untruth.

Any such person who shall untruly answer either of the above questions shall be deemed to have been guilty of a misdemeanor, and be liable to be punished as for perjury.

Administration of oaths.

18. At the nomination, or at any time before the close of the poll, any duly qualified voter may require the oaths hereinafter mentioned to be administered to any candidate.

If such candidate shall not be present, the Returning Officer shall forthwith cause a notice to be left at the usual place of abode of such candidate calling upon him to take the oath hereinafter mentioned; and in default of such candidate taking such oath within twenty-four hours after the personal receipt of such requisition, or in default of such candidate taking such oath within five days, at all events, all votes given for such candidate shall be null and void.

“I. A. B., do hereby swear, that I am a British subject and that I am possessed of the property qualification required by and subject to none of the disqualifications mentioned in the ‘Victoria Municipal Ordinance, 1867,’ with respect to a Municipal Councillor (or Mayor, as the case may be), and that the said property is situated at .”

By whom administered.

19. The Returning Officer, or Clerk of the Municipal Council, shall have power at elections to administer the oaths and put the questions required by this Ordinance.

Result of poll to be filed in Supreme Court.

20. The Clerk of the Municipal Council shall within three days after the election or declaration of the poll, file a certificate in the Supreme Court of Civil Justice of the result of such election or poll.

Oath of Returning Officers.

21. The Returning Officers shall, before entering upon their respective duties, severally take the oath following, before some Justice of Peace of British Columbia, or before three duly qualified voters.

"I solemnly swear that I will faithfully fulfil the duties of my office, without fear or favour, and that I have not received, nor will receive, any bribe to influence my conduct."

A.D. 1867.

22. Every person who shall have presented himself for nomination, and who shall have been elected Mayor or Municipal Councillor must serve, or in default pay a sum of two hundred and fifty dollars towards the Municipal revenue, such sum with costs to be recoverable by the said Clerk aforesaid, summarily before any Justice of Peace aforesaid, and every Mayor and Municipal Councillor shall, within six days after election, and before taking his seat, take the following oath, before some Judge of the Supreme Court of Civil Justice of British Columbia, or before a Justice of Peace:—

Penalty of \$250 on elected Mayor or Councillor not serving.

"I am a British subject, possessing the requisite property qualification, which is [*statement of qualification*], and subject to none of the disqualifications mentioned in the 'Victoria Municipal Ordinance, 1867,' and have not, nor will have while holding office, any interest directly or indirectly in any contract connected with the Corporation:

Oath to be taken by Mayor and Councillors.

"I have not, by myself or any other person, knowingly employed any bribery, corruption, or intimidation, to gain my election, and I will faithfully perform the duties of my office, and will not allow any private interest to influence my conduct in public matters."

Every member of the Municipal Council shall, before taking his seat at the Municipal Council, produce a certificate from a Judge of the Supreme Court of Civil Justice of British Columbia, or a Justice of Peace, stating that the necessary oaths have been taken by such member.

23. In case of the death, bankruptcy, insolvency, resignation, or permanent absence for the space of three consecutive calendar months from the city, of the Mayor for the time being, or in case the Mayor shall decline to accept office or neglect to take the necessary oaths, the Municipal Councillor who shall be selected by the Municipal Council for that purpose, shall preside at the meetings of the Municipal Council, and shall have the same powers, duties, and privileges, and be subject to the same liabilities and responsibilities which the Mayor would have had, and been subject to, if presiding, until the next day of election.

Provisions for non-fulfilment of office of Mayor;

In case of the death, bankruptcy, insolvency, resignation or permanent absence aforesaid of any one or more of the Municipal Councillors, or in case of a Municipal Councillor filling such vacancy in the office of Mayor as aforesaid, an election of a Municipal Councillor or Councillors shall take place in the usual manner to fill the vacant office or offices until the next annual election.

of Councillors.

24. The Mayor or presiding Municipal Councillor shall within six days from such vacancy, fix the day for the nomination and

Re-election of Councillors.

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election of such new Municipal Councillor or Councillors, and the nomination and polling shall be held in manner aforesaid.

Validity of elections
how to be tried.

25. The validity of all contested elections shall be tried before any Judge of the said Supreme Court, in manner following:—Any voter or candidate may present a petition to the said Supreme Court, praying that the election of any Mayor or Municipal Councillor may be avoided on either of the following grounds:—By reason of bribery, intimidation, or undue influence; by reason of such Mayor or Municipal Councillor not having obtained a majority of the votes of the duly qualified electors; by reason of such Mayor or Municipal Councillor not possessing the requisite property qualification, or being under some disqualification as aforesaid.

Security, &c.

The petitioner shall in each case give such security for costs as the Court shall direct.

The order of the Judge on the said petition shall be final and conclusive, and may contain all necessary directions for the holding new elections or otherwise as may be requisite.

Such Judge may from time to time make rules for regulating the trial of such petitions and the matters and things connected therewith.

Council meetings
public.

26. The Municipal Council shall hold its ordinary meetings openly, and no persons shall be excluded except for improper conduct. A special meeting may be open or closed, as in the opinion of the Municipal Council, expressed by resolution in writing, the public interests require.

Council when to be
summoned.

27. The Mayor (or in his default the Clerk of the Municipal Council) shall, within seven days from the day of election, summon the Municipal Council to meet on a day not more than fourteen days after the day of election, at some place to be mentioned in such summons.

Four a quorum.

28. All acts, whatsoever, authorized or required by virtue of this Ordinance, to be done by the Municipal Council, and all questions of adjournment, and others that may come before the Municipal Council, may, save where otherwise expressed, be done and decided by the majority of the members of the Municipal Council who shall be present at any meeting held in pursuance of this Ordinance, the whole number of members present at such meeting not being less than four; at such meeting the Mayor, if present, shall preside, and the Mayor (or in the absence of the Mayor such Municipal Councillor as the members of the Municipal Council then assembled shall choose to be the Chairman of that meeting) shall have a casting vote in all cases of equality of votes; the minutes of the proceedings of all such meetings shall be drawn up and fairly entered into a book to be kept for that purpose, and shall be signed by the Mayor or Municipal Councillor presiding at such meeting, and the said

Mayor or Chairman
a casting vote.

minutes shall be open to the inspection of any person, who may make copies thereof and extracts therefrom, at all reasonable times, on payment each time of a fee of twenty-five cents.

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29. Previous to the introduction of any business at any meeting of the Municipal Council, a notice in writing of any business proposed to be brought forward by any member, shall be publicly exhibited for twenty-four hours previously to such meeting, in some public place to be agreed upon by the Municipal Council.

Notice of business to
be made public.

30. Previous to any meeting of the Municipal Council, other than adjourned meetings, a notice of the time and place of such intended meeting shall be given twenty-four hours at least before such meeting, by fixing a copy of the said notice at the Municipal Council Chambers, and such notice shall be signed by the Mayor, who shall have power to call a meeting of the Municipal Council as often as he shall think proper.

Notice of meeting to
be made public.

31. In case the Mayor shall refuse or neglect to call a meeting within twenty-four hours after a requisition for that purpose, signed by three members of the Municipal Council at the least, shall have been presented to him, it shall be lawful for the said three members to call a meeting of the Municipal Council by giving such notice as is hereinafter declared in that behalf, such notice to be signed by the said three members, instead of the Mayor, and stating therein the business proposed to be transacted at such meeting, and in every case a summons to attend the Municipal Council, specifying the business proposed to be transacted at such meeting, signed by the Mayor or the members, as the case may be, shall be left at the usual places of abode of every member of the Municipal Council, or at the premises in respect of which he is placed on the Municipal Assessment Roll, three clear days at least before such meeting, and no business shall be transacted at such meeting other than the business which is specified in the notice.

Provisions for de-
fault of meeting
being called after
due notice.

32. The Municipal Council may, out of their own body, from time to time, appoint such and so many committees, and consisting of such members as they may think fit, for any purposes which in the discretion of the Municipal Council would be better regulated and managed by means of such committees, but all proceedings of such committees shall be subject to the approval of the Municipal Council.

Sub-committees
may be appointed.

33. The Municipal Council shall, on or before the first Monday in January in each year, cause an estimate to be prepared of the expenditure required and proposed for the service of the ensuing year, and for the purpose of raising a revenue to meet such expenditure, may thereafter by By-Law or By-Laws, passed and confirmed as hereinafter provided, annually levy and assess a rate or rates upon all owners of Real Estate in respect of such estate (including the improvements thereon) within the City limits, not exceeding in any

Estimate for the
year to be prepared.

Rates leviable.

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one year the one-fourth of one per cent. on the market value thereof, and may also annually levy and assess a rate or rates on

Persons carrying on any Trade or Business by
wholesale, not exceeding..... \$20 per annum.

Persons carrying on any other Trade, Business,
or Calling, not exceeding..... \$5 per annum.

The owners of all Dogs running at large, for each
Dog, not exceeding..... \$2 per annum.

Persons keeping Horses for private use, for each
Horse, not exceeding..... \$2.50 per annum

Certain estate ex-
empt from Muni-
cipal taxation.

34. The following Real Estate shall be exempted from all tax-
ation which may be imposed under this Ordinance, that is to say:—

- (1.) All Real Estate vested in or held in trust for Her Majesty or for the public uses of the Colony, or vested in or in trust for the Corporation, and either occupied or unoccupied by some person in an official capacity:
- (2.) All property vested in any person or body corporate in trust for or for the use of any tribe or body of Indians:
- (3.) Every place of public worship, churchyard, burying ground, public school-house, public roadway, square, town or city hall, gaol, house of correction, lock-up house, and public hospital, with the land absolutely requisite for the due enjoyment thereof.

For what purposes
By-Laws may be
made.

35. The Municipal Council shall have power to make By-Laws for any of the following purposes:—

- (1.) The prevention and removal of nuisances within the City:
- (2.) The regulation of the traffic within the City, and for preventing immoderate riding or driving:
- (3.) To regulate the maintenance, repair, and construction of the highways, foot-paths, public wharves, and bridges, situated within the said City:
- (4.) To provide for the inspection of all cattle, meats, poultry, fish, and vegetables, offered or exposed for sale, and to prevent the sale or exposure of diseased or unwholesome food:
- (5.) To accept, purchase, and hold such Real Estate as may be required for corporate purposes, and to erect such buildings thereon as may be requisite for corporate purposes:
- (6.) To establish and regulate public markets:
- (7.) To regulate and provide for the drainage and sewerage of the said City:
- (8.) To make regulations with regard to the preservation of the said City and the safety of individual houses from fire, and to regulate all matters affecting the liability of the said City to fire:

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- (9.) To regulate the public lighting of the said City, and to regulate the public lights in the said City:
- (10.) To establish and maintain land marks in the said City:
- (11.) To establish a general grade for the streets in the said City:
- (12.) To regulate the sanitary condition of the said City:
- (13.) To regulate the construction, cleansing, and disinfecting of drains, cesspools, and privies:
- (14.) To prevent indecent inscriptions or placards:
- (15.) To prevent persons causing water, rubbish, or noxious, offensive, or unwholesome matter or substance to collect or accumulate on or in front of their premises, and to prevent the deposit or throwing of broken glass, or other matters or things dangerous to traffic on the public highways or in open places:
- (16.) To prevent and regulate shows and public exhibitions:
- (17.) To appoint an inspector of gas-meters:
- (18.) To regulate the sale, storage, carriage, and disposal of gun-powder or any other combustible matter in and through the said city, and the working and inspection of steam engines:
- (19.) To accept, purchase, hold, sell, and dispose of land for public cemeteries beyond the city limits, and to provide for the regulation of cemeteries:
- (20.) To provide for taking census of the inhabitants of the City:
- (21.) To prevent cruelty to animals:
- (22.) To kill dogs running at large:
- (23.) To settle height of fences, and regulate division fences:
- (24.) To prevent growth of weeds:
- (25.) To prevent destruction of trees:
- (26.) To prevent destruction of sign-boards:
- (27.) To suppress houses of ill-fame:
- (28.) To prevent and regulate horse racing:
- (29.) To prevent and regulate public bathing:
- (30.) To regulate the sale of animals:
- (31.) To regulate hucksters:
- (32.) To regulate vehicles exposing articles for sale:
- (33.) To prevent and regulate slaughter houses:
- (34.) To prevent and regulate manufactories of combustibles, and storage of combustible matter:
- (35.) To regulate the construction of chimneys:
- (36.) To regulate people at fires:
- (37.) To regulate the erection of wooden buildings, notwithstanding any Act or Law in that behalf in force in the Colony:

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(38.) To give aid to charitable institutions:

(39.) To compel removal of snow, ice, and dirt, and to provide for removal in case of default:

(40.) To regulate the width of new streets:

(41.) To establish and regulate pounds.

Confers powers on seven-tenths of the owners to have property improved.

36. If the owners of seven-tenths in value of lots in or abutting on any street, or any portion thereof, in the City of Victoria, shall sign a requisition calling upon the Municipal Council to grade, macadamize, pave, fence, drain, water, light, sweep, lay down side-walks, or otherwise improve the said street, or portion thereof, or if the occupiers of seven-tenths of the lots abutting on any street, or portion of any street, shall sign a requisition calling upon the Municipal Council to light, water, sweep, or lay down side-walks in any such street, or portion of such street (as the case may be), the said Municipal Council shall be empowered, after giving in such manner as they alone shall deem expedient, not less than seven days' notice of such intention to each of the owners or occupiers (as the case may be) of the remaining three-tenths as shall not have signed the requisition, to levy, assess, and collect a rate (not to exceed the amount to be estimated and mentioned in that behalf in such requisition) upon the owners or occupiers (as the case may be) of the lots in and abutting on such street, or portion of street, in order to carry out such improvements, and may apply the rate when collected according to the prayer of such requisition, the Municipal Council approving such requisition in such manner as they may appoint by By-Law, and such By-Law when finally passed by the Municipal Council, shall become Law from the date of such final passing, and shall be exempt from being referred to the Governor for confirmation, disallowance, or other action, as is hereinafter provided in respect of other By-Laws.

Notice to be given thereof.

Provided, that previous to enforcing such By-Law, the Municipal Council shall give a further notice to such of the said owners or occupiers (as the case may be) as shall not have signed the requisition, by affixing a notice, under the hand of the Clerk of the Municipal Council, to some conspicuous part of the premises the owners or occupiers (as the case may be) whereof are intended to be affected thereby, or, in lieu thereof, the Municipal Council may advertize the said By-Law in any newspaper published in the said city, for at least seven days before the same shall be enforced, either of which mode of giving notice shall be good and sufficient notice to all persons and for all purposes whatsoever.

By-Laws when operative.

37. Every By-Law, other than those referred to in Section 36 of this Ordinance, passed by the Municipal Council shall be reconsidered not less than three days after the original passage, and if adopted by the Municipal Council, and subsequently confirmed or left to its operation by the Governor, or confirmed by the Municipal

electors, as hereinafter provided, shall come into effect and be binding on all persons after seven days from the publication of the same, in some one or more of the newspapers published in the city, unless otherwise postponed in such By-Law.

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38. Every By-Law, other than those referred to in Section 36 of this Ordinance, shall be passed by the vote or resolution of at least three members of the Municipal Council, and at a meeting where at least four members of the Municipal Council shall be present.

By-Laws to be passed by at least three Councillors.

39. The penalty by which any By-Law may be sought to be enforced, may be stated therein, and if no penalty is therein mentioned, the breach of any By-Law shall be punished in a summary way, by a fine not exceeding fifty dollars, or by imprisonment for any term not exceeding one month, at the discretion of any Justice or Justices of the Peace having jurisdiction within the Municipality.

Penalty for infraction of By-Law.

40. In the event of any By-Law being passed wherein no specific penalty is inserted, or in case a specific penalty is inserted, and no means for its recovery specified, any Justice or Justices as aforesaid, may, in case of a fine, adjudge that such offender shall pay the same, either immediately, or within such period as the said Justice or Justices shall think fit; and in case such sum of money shall not be paid at the time so appointed, the same may be levied by distress or sale of the goods and chattels of the offender, and for want of sufficient distress such offender may be imprisoned as aforesaid, at the discretion of such Justice or Justices, in the common gaol, for any term not exceeding one month, the imprisonment to cease upon payment of the fine and costs.

Provides for absence of specific penalty in By-Law.

41. The Mayor shall be deemed one of the Municipal Council, and the head and Chief Executive Officer of the Corporation, and shall ex officio be a Justice of the Peace, and have precedence over all Justices of the Peace, and it shall be his duty to cause the law for the improvement of the city to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and as far as may be in his power, to cause all negligence, carelessness, and positive violation of duty to be prosecuted and punished, and to communicate from time to time to the Municipal Council all such information, and recommend all such measures as may tend to the improvement of the finances, health, security, cleanliness, and comfort of the city; but the Mayor shall not hold a separate Court apart from that of the Stipendiary Magistrate of the said City.

Status of Mayor.

42. The jurisdiction of the Municipal Council shall be confined to the Municipality, except where authority beyond the same is expressly given.

Jurisdiction of Municipal Council.

43. The Municipal Council may make regulations not specially provided for in this Ordinance, and not contrary to the provisions

Municipal Council may make regulations for govern-

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hereof, and not contrary to law, for governing the proceedings of the Municipal Council and the conduct of its Members.

Expenses of Corporation how defrayed.

44. The Municipal Council may, by resolution passed in manner hereinafter provided, devote any portion of the Municipal Revenue, not exceeding in the course of the year one-third part, towards defraying the ordinary expenditure of the Corporation in the conduct of its general business, and, by a resolution passed as aforesaid, may devote the unappropriated portion of the said revenue, and any accumulations of past revenue, to any of the purposes for which the Municipal Council is authorized to pass By-Laws.

By-Laws to be transmitted to Governor for confirmation.

45. A copy of every By-Law, other than By-Laws created under any of the provisions of Section 36 of this Ordinance, shall be transmitted to the Governor by the Clerk of the Municipal Council, within 48 hours of the final passage of the same, signed by the said Clerk, and countersigned by the Mayor or presiding Municipal Councillor.

Expenditure to be voted by at least four members.

46. Every resolution devoting any portion of the Municipal funds to any of the purposes aforesaid, shall be passed by the vote of at least four members present at a meeting where at least five members shall be present; such resolution shall be afterwards confirmed by a like vote at some meeting summoned after the lapse of seven days from, and before the expiry of one calendar month at least from the original meeting, and summoned also for the specific purpose of confirming the resolution.

No power to incur liability.

47. The Municipal Council, save as hereinafter mentioned, shall have no power to incur any personal liability, or any liability beyond the Municipal Revenue for the current year.

REPEALED and amended by No. 127. [Court of Revision. Powers thereof.]

[48. *The Municipal Council shall be a Court of Revision. The Court of Revision, or the Presiding Member for the time being, shall have power to take and enforce the production of evidence, and administer oaths at any sitting of such Court, and in and upon any matter or thing coming within the purview of such Court. The wilful infraction of any oath so administered shall be deemed a misdemeanor, and infer the penalties of perjury.*]

Duties thereof.

49. It shall be the duty of such Court to try and determine all complaints with regard to assessments or omissions, and to make such order thereupon as shall seem to them just, and every such order shall be final and the Assessment Roll shall be amended, and every such amended amount enforced accordingly.

AMENDED by No. 127. Notice of sittings to be given.

50. The Court of Revision shall give such notice of the time and place for holding their sittings, and the periods during which appeals may be received, as in their discretion shall seem reasonable.

REPEALED and amended by No. 127. [Provisions for collecting Municipal taxation.]

[51. *The Municipal Council shall, in each By-Law creating a tax or rate, fix a specific day and place, after the completion of the Assessment Roll, for payment of such tax or rate, and shall, as soon as conveniently may be, publish a notice of such time and place in the Government Gazette, and one or more newspapers published or circulating in the said city.*]

If such tax be not paid within two calendar months after the specific day so fixed for such payment as aforesaid, interest after the rate of twelve per cent. per annum on the amount so due in each case, shall attach and be payable from the day of default, that is to say:—From the day of the expiration of such two calendar months, until such tax and interest and the costs thereon, including the cost of registration and interest, shall have been fully paid off and satisfied, and until so paid off shall be a primary lien as hereinafter mentioned on the Real Estate in respect of which the tax shall have been imposed.

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When and what interest may be charged.

After the expiration of five years from such last mentioned day of default, it shall be lawful for the High Sheriff or his Deputy in and for the district in which the said City is situate, under a resolution of the Municipal Council, directing such Sheriff in that behalf, and after three calendar months' notice of such intention in the Government Gazette and one or more public newspapers published or circulating in the said City, to sell the Real Estate in respect of which such tax or rate has been imposed and default made, or such portion thereof as shall be named in that behalf in such resolution, by public auction, with power to buy in and rescind any contract for sale and to resell.

Provisions for sale of Real Estate.

It shall be lawful for the Corporation at any such open sale to become the purchasers of any Real Estate so exposed to sale for default of payment of taxes.

Corporation may be purchasers.

Upon every such purchase the Corporation shall hold the Real Estate so purchased by them at Public Auction as Corporate property.

At and after any and every such sale, the High Sheriff of British Columbia, or any his Deputy duly appointed in and for the district within which the said City shall for the time being be situate, shall convey such Real Estate so sold to the purchaser for all the estate and interest which the person upon whom the tax or rate was imposed held therein at the time of the imposition thereof.

High Sheriff to convey Real Estate sold for taxes.

The surplus (if any) of the proceeds arising from any and every such sale after the payment of all arrears, interest, and costs, including the costs incurred in and about such sale and conveyance, and a reasonable commission to the Sheriff on the sale, to be fixed by resolution of the Municipal Council, shall be forthwith paid into the Treasury of the Colony, to an account to be intituled "Real Estate Municipal Tax Sales Account Lots (as the case may be) Victoria," and such moneys may be paid out by order of any Judge of the Supreme Court of Civil Justice, to the person or persons in the opinion of such Court entitled to receive the same.

Surplus how applied.

Provided that it shall be lawful for the Corporation, under special circumstances, to extend the period at which any such sale on default shall take place beyond the said five years after the day of default.

Corporation may extend term of sale,

Provided, also, that in special cases of a charitable nature, such as prolonged illness, extreme poverty, accident, or the like, it shall be lawful for the Corporation to postpone or remit the payment of any rates or taxes as may to them seem warranted by the peculiar hardship of each particular case brought before them.

and postpone payment.

No informality shall vitiate any such sale or conveyance notwithstanding any irregularity in any such sale of real estate for default or non-performance of any condition precedent to such sale (into which matters respectively no purchaser shall be bound to enquire). The High Sheriff or Deputy Sheriff presiding at each such sale, shall convey to the purchaser an indefeasible title to the real estate so purporting to be conveyed, and for all the estate and interest, legal and equitable,

Sales not vitiated by informality.

A.D. 1867.

therein of the person who held the same at the time of the imposition of the first rate or tax in arrear as aforesaid, and that free from all incumbrances whatsoever.

Taxes recovered before competent Courts.

Concurrently with the remedies given by this Ordinance for the collection of Municipal taxes hereunder, the taxes payable by any person hereunder may be recovered, with interest after the rate of twelve per centum per annum, from the day of default aforesaid, on all such arrears of taxes and registration fees until paid, together with costs, as a debt due to the Corporation, in a competent Court in this Colony; and the production of a copy of so much of the Assessment Roll as shall relate to the taxes payable by such person, purporting to be certified as a true copy by the Clerk of the Municipal Council, shall be prima facie evidence of the debt. The taxes and costs accrued or to accrue on any real estate under this Ordinance shall be a special lien on such land, having preference over any claim, lien, or incumbrance of any party except the Crown.

Lien on Real Estate to be registered.

It shall be the duty of the Municipal Council yearly, and at least once in every year, to register the said lien in the books of any Land Registry Office in the Colony, as a charge on such Real Estate, taking precedence as aforesaid.

Cost of the same how defrayed.

The cost of such registration shall form part of the debt as a further advance made on the day of registration, carrying the same rate of interest as the principal.

Registration how discharged.]

Upon the payment of such debt and costs, including the cost of registering and discharging the registration of such liability, the Municipal Council shall order the registration of such charge to be discharged or satisfaction of the debt to be registered.]

By-Laws to be allowed or disallowed by Governor.

52. All By-Laws other than those referred to in Section 36 of this Ordinance shall be subject to confirmation or disallowance by the Governor (or the Officer for the time being administering the Government); provided, always, that the Governor may, if he thinks fit, refer any By-Law, or portion of a By-Law, to the Municipal vote, which shall be taken in the manner hereinafter provided, and the result of such vote shall be final; provided further, that if such confirmation or disallowance by the Governor be not signified to the Municipal Council, or the By-Law be not referred to the Municipal vote within six weeks after the passing of the By-Law, then such By-Law shall be left to its operation and shall become law, and have the same force and effect as if it had been duly confirmed by the Governor as aforesaid.

By-Laws how to be confirmed by Municipal electors.

53. Every By-Law other than those referred to in Section 36 of this Ordinance, or portion of a By-Law, referred as aforesaid to the Municipal vote, shall receive the confirmation of the Municipal Electors in manner following:

- (a.) The Municipal Council shall, by public notice, fix the day, hour, and place in Yates Street Ward for taking the votes of the electors thereon, at every place in the City at which the election of the members of the Municipal Council is held, and shall also name a sufficient number of Returning Officers to take the votes at every such place, and such day shall not

be less than seven nor more than twenty-one days after the second passage by the Municipal Council, of the proposed resolution:

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(b.) Every voter shall have a vote either confirming or negating the said By-Law, or portion of a By-Law, in each Ward where he has a vote for a Municipal Councillor:

(c.) The Municipal Council shall, for at least six clear days before the voting day, publish a copy of such proposed By-Law, or portion of a By-Law, in some newspaper published within the Municipality, and also post up a copy thereof, in at least one public place within each ward:

(d.) Appended to each copy so published and posted, shall be a notice, signed by the Clerk of the Municipal Council, to the effect following:—

“Take notice, that the above is a true copy of the proposed By-Law, or portion of a By-Law, upon which the vote of the Municipality will be taken at (place, day, and hour of the day.)”

(e.) The poll shall be taken on the question, Aye, or No, whether the By-Law, or portion of a By-Law, shall be confirmed, and the poll shall be kept open on the day named, between 8 o'clock a. m. and 4 o'clock p. m.:

(f.) Every Returning Officer shall, immediately after the closing of the polls, return his poll book to the Clerk of the Municipal Council, sealed and verified, and a solemn declaration annexed, that the poll book contains a true statement of the votes:

(g.) The Clerk of the Municipal Council shall unseal the poll book at the next sitting, and in the presence of the Municipal Council add up the number of votes for and against the By-Law, or portion of a By-Law, and shall certify to the Municipal Council, under his hand, whether the majority have approved or disapproved of the proposed By-Law, or portion thereof, and shall keep the poll books among the records of his office.

54. In case any proposed By-Law, or portion of a By-Law, shall be negatived by the votes of the electors, no such By-Law, or portion of a By-Law, or one of a similar nature, shall be brought forward or considered during the same Municipal year.

By-Law negatived cannot be considered in same year.

55. The poll books shall be open to inspection on payment of a fee of twenty-five cents to the Clerk of the Municipal Council.

Poll books open to inspection.

56. The Municipal Council shall be capable of holding Real Estate, and have entire control of all corporate property.

Power of Council to hold Real Estate.

[57. The Municipal Council shall upon such time or times as shall seem to them fit, prepare an Assessment Roll containing the names of every person liable to pay

REPEALED by No 127. [Assessment Roll how to be prepared.]

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Municipal Taxes under the provisions of this Ordinance, and defining the property, business, calling, matter, or thing in respect of which each person is so liable, and the said Municipal Council shall, by public advertisement for fourteen days in one or more of the newspapers published in the said city, give notice of the completion of the said roll, and of the place where it may be open for inspection, and all persons shall be permitted to inspect the same at all reasonable times, free of any charge whatsoever; and the said Municipal Council shall further notify each person liable to pay taxes of the amount at which he is assessed, either by notice left at his usual place of abode, or affixed to the premises in respect of which the tax is due, or by publication in one or more of the newspapers published within the said city; and should any person feel himself aggrieved at the amount at which he or any other person may be assessed in the said roll, he may, within twenty-one days from the first publication of the notice aforesaid, appeal to the Court of Revision aforesaid against such assessment.]

Council may appoint proper officers,

58. The Municipal Council may appoint such officers, not being a Magistrate or a Police Officer, as may be absolutely required for the conduct of the corporate business, and may pay the same out of the corporate revenue set apart for the ordinary expenditure of the Corporation.

and a Clerk.

Provided, that it shall be incumbent upon the Municipal Council to appoint a Clerk to such Municipal Council.

Officers to give security.

All officers shall, however, give security in such manner as the Municipal Council shall determine, for the due performance of their services.

Council to have a Corporate Seal.

59. The City of Victoria shall have a Corporate Seal, and the Municipal Council shall enter in all contracts under the same Seal, which shall be fixed on all contracts by virtue of an order of the Municipal Council.

Power of Council to lease corporate lands.

60. The Municipal Council may absolutely lease any of the corporate property, for any term not exceeding fourteen years, receiving thereupon the best rent that can reasonably be obtained, and without taking any fine, or premium, or other money in the nature of a fine or foregift; provided, always, that every lease made by the Corporation shall be executed under the Corporate Seal, and there shall be therein contained a proviso for the re-entry on non-payment of the rent, or non-observance, or non-performance of any of the covenants and provisoes therein contained.

Acts done under "Victoria Incorporation Act, 1862," cannot be called in question.

61. It shall not be competent for any person to call in question, before any Court of Law or Equity in British Columbia, any act, matter, or thing bona fide done or made under the "Victoria Incorporation Act, 1862."

Date of operation of Ordinance.

62. This Ordinance shall come into force on the 8th day of November next, and the "Victoria Incorporation Act, 1862," shall on that day become null and void, except that such repeal shall not affect or extend to the "Victoria City Aid Ordinance, 1867," or the By-Law thereby confirmed, or to any moneys due or accruing due,

liabilities, or penalties incurred under the said Act, Ordinance, or By-Law, or either of them, but the same may be recovered, enforced, and inflicted respectively, as if this Ordinance had not been passed.

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63. Provided, nevertheless, that the election of Mayor and Municipal Councillors, to be holden on the 8th day of November next, shall be held according to the provisions of the said "Victoria Incorporation Act, 1862," save in this respect, that the persons entitled to vote thereat shall be such persons as shall, at the time of election, have paid all Municipal Rates and Taxes then due by them. Immediately upon such election taking place, all the provisions of this Ordinance shall be applicable to the Mayor and Municipal Council, and shall govern their proceedings in the same manner as if they had been elected under the general provisions of this Ordinance.

Election of Mayor and Councillors on 8th Nov., 1867, to be held under "Victoria Incorporation Act, 1862."

64. This Ordinance may be cited for all purposes as the Short Title. "Victoria Municipal Ordinance, 1867."

SCHEDULE TO "VICTORIA MUNICIPAL ORDINANCE, 1867."

FIRST PART OF SCHEDULE.

AMENDED by No. 127.

City Boundaries.

Commencing from the point where the eastern boundary line of Constance Street intersects with the shore line of Rock Bay, being the north-western corner of Lot 1364:

Thence following the southern shore line of Rock Bay south-easterly to the point where it is intersected by the north boundary line of Pembroke Street:

Thence easterly along the north side of Pembroke Street, until it intersects the east side of the street running past the east side of Lot 19, Block O, on the Official Map of the City of Victoria:

Thence southerly along the east side of that street to the northern boundary line of the street running along five acre Lots 1, 6, 11, and 16:

Thence easterly along the northern boundary line of the said street, to the south-western corner of Lot 68, Spring Ridge:

Thence southerly along the eastern side of the street bounding Lots 67, 52, 51, 36, 35, 23, and 22, Spring Ridge, to the northern boundary line of Lot 14, on Spring Ridge, being the southern side of a continuation of Johnson Street:

Thence westerly along the northern boundary line of the said Lot 14, to the north-western corner of the said Lot, being the north-eastern corner of Town Lot 1046:

A.D. 1867.
—

Thence in a right line along the eastern boundaries of Town Lots 1046, 1056, 1066, 1076, 1086, 1096, 1106, and 1583, crossing successively Yates Street, View Street, Fort Street, Meares Street, and Beecher Street, to a point on the south side of Beecher Street, being the north-east corner of Lot 1, in the Fairfield Estate:

Thence westerly along the northern boundary of the said Lot 1, to Cook Street:

Thence along the eastern side of Cook Street southerly, crossing Richardson Street and Labouchere Street, to the south-east corner of Pakington Street:

Thence along the south side of Pakington Street, to the south-eastern end of Vancouver Street:

Thence southerly along the east boundary line of the Public Park to the Sea-shore, at the south-east corner of Public Park:

Thence westerly along the Sea-shore to the south-west corner of the Public Park:

Thence northerly along the west boundary line of the Public Park, to the point when the north side line of St. James Street intersects it:

Thence along the north side of St. James Street, to the south-west corner of the Government Buildings Lot, to the point therein when the south boundary line of Block 39 intersects it:

Thence westerly along the said south boundary line of Block 39, across Oswego Street, and along south boundary lines of Blocks 40 and 42:

Thence southerly along the east side of Montreal Street, to the Sea-shore:

Thence following the shore line (including all wharves, jetties, and buildings abutting on the said shore line), to the place of commencement.

SECOND PART OF SCHEDULE.

Johnson Street Ward.

All that tract of Land lying between the northern boundary line of the City and the centre of Yates Street, and coloured yellow on the Plan hereunto annexed.

THIRD PART OF SCHEDULE.

Yates Street Ward.

All that tract of Land lying between the centre of Yates Street and the centre of Fort Street, and coloured red on the Plan hereunto annexed.

FOURTH PART OF SCHEDULE.

A.D. 1867.

AMENDED by No. 127.

James Bay Ward.

All that tract of Land lying between the southern boundary line of the City and the centre of Fort Street, and coloured green on the Plan hereunto annexed, [*including the Public Park.*]

No. 95.

An Ordinance to amend and assimilate the procedure of the County Courts in all parts of the Colony of British Columbia.

A.D. 1867.

Vide Nos. 126 & 137.

[17th September, 1867.]

WHEREAS it is expedient to amend and assimilate the procedure of the County Courts in all parts of the Colony of British Columbia:

Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. "The County Court Ordinance, 1866," and "The County Court Jurisdiction Ordinance, 1866," of the Colony of British Columbia before the Union, and "The District Court Act, 1866," of the former Colony of Vancouver Island, are hereby repealed, and all Rules and Orders of the Supreme Court of Civil Justice of the former Colony of Vancouver Island and its Dependencies heretofore made, and relating to the Inferior or Summary Court of Civil Justice of Vancouver Island, are hereby repealed and discharged, save as hereinafter enacted; but such repeal shall not be held to affect any rights acquired, or liabilities and penalties already incurred or accruing due under, or the remedies prescribed by, such Act, Ordinance, Rules, and Orders, or any of them, for enforcing such liabilities or penalties; but such remedies may still, for the purposes of such enforcement, but not further or otherwise, be held to be available as if such Act and Ordinances, Rules and Orders, were still in force; and, provided also, that such repeal and discharge shall not cause to revive any Proclamation, Act, or Ordinance, Rule, or Order repealed by the said Act and Ordinances, Rules or Orders hereby repealed, or any of them.

Repeals former Acts, saving previously acquired rights and penalties incurred.

2. So much of the following enactments of the Imperial Parliament of the United Kingdom, viz.: the 9 and 10 Victoria, chapter 95; 13 and 14 Victoria, chapter 61; 14 and 15 Victoria, chapter 52; 15 and 16 Victoria, chapter 54; and 19 and 20 Victoria, chapter 108, as are applicable to this Colony, are hereby adopted and

Brings in force certain Imperial Acts.

A.D. 1867.

enacted as the law of this Colony, subject to the provisions herein-after contained.

Governor may appoint County Court Judges.

3. Notwithstanding anything in the said Imperial Statutes, or any of them, contained, it shall be lawful for the Governor or Officer administering the Government of British Columbia, by any writing under his hand, to appoint any Stipendiary Magistrate or Justice of the Peace of and in the Colony to be County Court Judges, either for the whole Colony or for such parts thereof as he shall from time to time in that behalf direct or appoint.

Jurisdiction not exceeding \$500.

4. The amount recoverable before any County Court Judge of British Columbia shall be any sum not exceeding five hundred dollars.

Summons returnable in three days.

5. A summons may be made returnable in three days from the service thereof, by leave of the Court, upon affidavit or other proof upon oath satisfactory to any County Court Judge that the party about to be summoned is about to abscond, or defraud, or delay payment of a debt due to any of his creditors.

Court may authorize any one to serve summons.

6. In addition to the service by the proper officer of the Court, the service of a summons by any person, whether interested or not in the suit, if specially authorized in writing by the County Court Judge in that behalf, shall be deemed a good service.

Garnishee.

7. It shall be lawful for the Judge of any County Court, upon the ex parte application of the judgment creditor, and upon affidavit of himself or others, stating that judgment has been recovered and is still unsatisfied, and to what amount, and that any other person is indebted to the judgment debtor, and is within the jurisdiction, to order that all debts owing or accruing from such third person to the judgment debtor shall be attached to answer the judgment debt; and such third person or garnishee may, by the same order, be required to appear before the Judge of the Court to show cause why he should not pay the judgment creditor the amount due by him to the judgment debtor, or so much thereof as may be sufficient to satisfy the judgment debt.

REPEALED by No. 127.

[Appeal on point of Law to Supreme Court.]

[8. If either party, in any cause of the amount to which jurisdiction is given to the County Court Judges under this Ordinance, shall be dissatisfied with the determination or direction of any such Judge in point of Law, or upon the admission or rejection of any evidence, such party may appeal from the same, to the Supreme Court of Civil Justice of British Columbia; and it shall be lawful for any Judge of the Supreme Court of Civil Justice of British Columbia to hear and determine all such appeals. Provided, always, that such Supreme Court shall be held in Vancouver Island to hear and determine Appeals in cases brought in any County Court in the said Vancouver Island.

It shall be lawful for the Judge of the County Court, in the event of an appeal, to make such order as to security for debt or costs as he may think fit.]

9. Any Judge of the Supreme Court of Civil Justice may, if he shall think fit, act as Judge of the County Court of, or any County Court in, British Columbia, and shall have power to sit either with or without the Judge of such Court or concurrently with him, and dispose of the business from time to time pending in any such County Court.

A.D. 1867.

Judge of Supreme
Court may act as
County Court Judge.

10. The County Court Judge may, upon being satisfied that only questions of fact are at issue, order a cause to be tried by a Jury in the first instance.

Questions of fact
may be tried by jury.

11. Any County Court Judge of British Columbia shall have and be possessed of the same powers as are now possessed and exercised by any Judge of the Supreme Court of Civil Justice of British Columbia, in respect of the issue of a writ of Capias ad respondendum, and such County Court Judge may, at his discretion, grant such Writ under the Seal of his Court, and on application, at his discretion, discharge the same; and it shall be lawful for such Judge, whenever he shall think fit, to require security to be given by the Plaintiff, to the satisfaction of such Judge to pay to the Defendant the costs and damages consequent on arrest under such Order, should the Plaintiff have obtained such Order without reasonable and probable cause.

Writ of capias may
be issued on security
being given.

12. The duties of the Clerk of the Court shall be performed by the County Court Judge himself, or by some one appointed by him.

Clerk of Court.

13. The duties of the High Bailiff, other than the exceptional service of documents hereinbefore otherwise provided for, shall be performed by the High Sheriff of British Columbia, or by any Deputy Sheriff thereof.

High Bailiff.

14. The Judge or Judges of the Supreme Court of Civil Justice of British Columbia shall from time to time frame, alter, revoke, or re-establish Rules and Orders for the procedure and practice of the said County Courts; and also regulate the scale of fees to be taken in such Courts; which Rules, Orders, and Regulations shall be of full force when confirmed by the Governor or Officer Administering the Government of British Columbia; and in the meantime, and until the making and confirmation of any such Rules, Orders, and Regulations, the practice in such Courts, and the fees to be taken therein, shall in all things as nearly as may be conform to the practice, fees, and other matters as established in and regulating County Courts in England in A. D. 1858.

Judge of Supreme
Court to make Rules
of County Court.

15. If any County Court having, or having exercised, jurisdiction over small debts now, or hereafter lawfully established, shall be merged in any other Court or in the County Court of any other District or denomination in the Colony, it shall be lawful for the Court acquiring jurisdiction to entertain and determine all plaints and other proceedings whatsoever lawfully commenced in the Court

Merger.

A.D. 1867.

which shall be so merged, in the same manner in all respects as if such complaints or other proceedings had originally been commenced in the Court acquiring such new or extended or additional jurisdiction.

Fees paid into Treasury.

16. All fees under this Ordinance, other than office copies and Sheriff's fees, shall from time to time be paid into the Treasury, to the use of Her Majesty, Her heirs and successors.

Short Title.

17. This Ordinance may be cited for all purposes as "The County Court Ordinance, 1867."

No. 96.

A.D. 1867.

An Ordinance to provide for the settlement of all outstanding questions relating to the Sale of Land for Taxes in Vancouver Island.

AMENDED by No. 151

[17th December, 1867.]

Preamble.

WHEREAS the Real Estate Tax Acts of the years 1860 and 1862 of the lately separate Colony of Vancouver Island and its Dependencies, have been repealed:

And whereas in presumed compliance with the provisions of the said Real Estate Tax Acts certain sales of land for and in respect of the non-payment of taxes under the said Acts have been from time to time made, which said sales have not as yet been fully completed; and whereas doubts have arisen as to the legality of these sales, and the conditions precedent to the offering of such lands for sale, which were and ought to have been done, performed, and fulfilled by the Sheriff of the late Colony of Vancouver Island, in respect thereof; and whereas it is expedient that such lands should be redeemed in the interest of the persons originally owning the same, upon reasonable compensation being made to the supposed purchasers of the same or any portion thereof at such forced sales:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Land Tax Sales null and void.

1. All and all manner of land sales heretofore made or contracted to be made for or in respect of the non-payment of taxes under the said Real Estate Tax Acts and each and every of them are hereby set aside and declared to be null and void.

Purchase money, with interest how recoverable.

2. The Treasurer of this Colony, or such other person as may be appointed in that behalf by the Governor, shall repay to all purchasers of land at such land sales as aforesaid, on application and

on due proof of identity and the fact of purchase, their respective purchase money, together with interest on the same at the rate of twenty-four per centum per annum, from the time of the payment of such purchase money respectively, until repayment.

A.D. 1867.

3. The sums repaid by the Treasurer or such other person as aforesaid, and all arrears of taxes for land under the provisions of the Real Estate Tax Acts of the said Colony of Vancouver Island and its Dependencies, shall be charged on the Real Estate in respect of which such sums were paid, or such taxes were and are due, and the Treasurer, or other person as aforesaid, is hereby authorized and required to enter such sum as charges with the Registrar of Titles to Real Estate in Vancouver Island, by giving him notice thereof, which notice may be in the Form 1, in the Schedule to this Ordinance annexed, and thereupon such charges shall be registered in the same way as other charges affecting Real Estate.

Sums so paid a
charge on the Real
Estate.

Charge how to be
registered.

4. The sums and taxes so due and so registered as charges as aforesaid, shall be primary charges on the Real Estate in respect of which the same are due, and shall take precedence of all charges not due or chargeable in favour of the Crown, and such charges may be levied by way of distress or sued for by the Crown, and recovered from the owner for the time being of the land in respect of which such sums and taxes shall be charged, or the occupier of such lands, as to the Crown shall seem fit.

To form primary
charge on the
Estate.

5. It shall be lawful for the Governor at any time and from time to time hereafter, to cause a list to be made out of taxes and sums due and chargeable on Real Estate in respect of the said Real Estate Tax Acts or of this Ordinance, and cause the same to be published in the Government Gazette of the Colony, once a month in three successive months, and after the lapse of three months from the first publication thereof, the Governor may, unless the sum and taxes due in respect of lands shall be duly paid and satisfied, order the lands in respect of which such sums and taxes are due and payable as aforesaid, to be entered on by the Crown, and thereupon the same may be respectively entered on for and on behalf of the Crown, and such right of entry shall be thereupon registered with the said Registrar of Titles, by notice, which notice may be in the Form 2 in the said Schedule.

Tax lists to be pub-
lished.

6. On due registration of such last mentioned notice, the Real Estate in respect of which such entry is made or deemed to be made shall be held to have passed by operation of law into the possession of the Crown, as demesne lands of the Crown, and thereupon all other persons shall be deemed to be lawfully dispossessed of their title thereto; and the Crown may thereupon enter upon such lands and hold the same until all taxes and sums due shall be repaid out of the profits and proceeds thereof, and after full re-payment thereof

Property to become
demesne Lands of
the Crown.

A.D. 1867.

may re-convey such Real Estate by re-conveyance, which may be in the Form 3 in the said Schedule.

When Land can be sold.

7. In case the sum and taxes due in respect of any Real Estate shall not be fully paid and satisfied out of any profits or proceeds thereof, within two years from the date of notice of entry with the Registrar of Titles as aforesaid, the Governor may, after notice published in the Government Gazette of the Colony, once a month in six successive months, and after the lapse of six months from the first publication thereof, cause such Real Estate to be offered for sale by public auction, and the same shall be sold, not by way of undivided shares, but the whole in one or more lots.

Method of conveyance.

8. After such sale a conveyance shall be given, which may be in the Form 4 in the said Schedule, and the proceeds of such sale shall be held by the Crown for the owner thereof, subject to deduction in respect of taxes and sums due to the Crown. In such conveyance as last aforesaid the Crown shall be deemed to have good title to convey, and such Real Estate shall be held to be vested in the Crown for the purpose of such re-conveyance, and no purchaser shall be bound to see to the application of any purchase money in respect of such sale, nor shall any such sale be liable to be set aside in favour of the real owner, but such owner shall have recourse only to the proceeds of the purchase money by application to the Crown.

Interpretation Clause.

9. In the construction of this Ordinance, the words "the Crown" shall be held to mean Her Majesty the Queen, Her heirs and successors; the word "Governor" shall be held to mean the Governor of this Colony for the time being, or other the Officer administering the Government of this Colony for the time being; and whenever in this Ordinance in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided or there be something in the subject or context repugnant to such construction.

Short Title.

10. This Ordinance may be cited for all purposes as "The Tax Sale Repeal Ordinance, 1867."

A.D. 1867.

SCHEDULE.

FORM 1.

Tax Sale Repeal Ordinance, 1867.

Description of Land.	Owner, or supposed owner, and description,	Amount due to the Crown by way of taxes, or sum paid, with dates and particulars.

The above charges are required to be registered according to the particulars here given.

Dated, the day of 18 .

(Signed) _____,

Treasurer.

FORM 2.

Tax Sale Repeal Ordinance, 1867.

Description of Land.	Owner, or supposed owner, and description.	Amount due to the Crown by way of taxes, or sums paid with dates and particulars.

Notice is hereby given, that the Crown claims right of entry into the lands above described, and such right of entry is hereby required to be registered.

The day of 18 .

By order.

(Signed) _____

A.D. 1867.

FORM 3.

Tax Sale Repeal Ordinance, 1867.

THIS INDENTURE made the day of , 18 , Between Her Most Gracious Majesty the Queen of the one part and of the other part. Whereas entry by the Crown into the land and hereditaments hereinafter described hath been heretofore made for the purpose of recovery of certain sums and taxes due under the "Real Estate Tax Act, 1862," and "The Tax Sale Repeal Ordinance, 1867," which said sums and taxes are now fully paid and discharged. This Indenture witnesseth that Her said Most Gracious Majesty doth hereby grant and convey to heirs and assigns (or otherwise, according to the requirements of the case) All that (describe the land reconveyed) together with (add such general words as are applicable) and all the estate right and title of the Crown thereto, To have and to hold the said lands and hereditaments hereby granted and conveyed unto the said heirs and assigns (or otherwise, according to the requirements of the case) to the use of the said heirs and assigns (or otherwise, as before) free and discharged of and from all sums and taxes due under the Real Estate Tax Act and Tax Sale Repeal Ordinance, above referred to.

For the Crown, [L. S.]

[insert signature, and description of Officer executing.]

FORM 4.

Tax Sale Repeal Ordinance, 1867.

THIS INDENTURE made the day of , 18 , Between Her Most Gracious Majesty the Queen of the one part and of the other part. Witnesseth that in pursuance of the powers and authorities conferred by "The Tax Sale Repeal Ordinance, 1867," and in consideration of the sum of dollars heretofore paid by the said to and for the use of Her said Majesty the Queen, Her heirs and successors, as the consideration money for the purchase of the land and hereditaments hereinafter particularly described, Her said Most Gracious Majesty doth hereby grant and convey to heirs and assigns (or otherwise, according to the requirements of the case) All that (describe parcels) together with (add such general words as are applicable) and all the estate right title and title of the Crown thereto, To have and to hold the said land and hereditaments hereby granted and conveyed unto the said heirs and assigns (or otherwise, as before) to the use of the said heirs and assigns (or otherwise, as before).

For the Crown, [L. S.]

[insert signature, and description of Officer executing.]

No. 97.

An Ordinance to establish a Standard of Weights and Measures. A.D. 1868.

[22nd April, 1868.]

WHEREAS it is expedient to establish a Standard of Weights and Measures: Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. "The Weights and Measures Ordinance, 1867," is hereby repealed. Repeals former Ordinance. Provided, however, that such repeal shall not affect any rights acquired or liabilities incurred or existing before such repeal; but such rights, remedies, and punishments thereunder shall still, notwithstanding such repeal, be capable of enforcement and imposition as if this Ordinance had not been passed, but not further or otherwise.

2. From and after the passing hereof, the Imperial Standards of Weights and Measures of Great Britain shall be the Standards of Weights and Measures of the said Colony; and no goods, commodities, or other articles sold by Weight or Measure shall be so sold except by such Standard of Weights or Measures, or some multiple or fractional part thereof. The Imperial Standards of weights and measures in Great Britain to be the standards in this Colony. Provided, always, that nothing herein contained shall prevent the sale of any goods, commodities, or other articles in any vessel or bale, or by bulk when such vessel or bale or such bulk is not represented as containing any Standard Weight or Measure, or any multiple or fractional part thereof, or any local or foreign Measure, or any multiple or fractional part thereof.

3. All articles sold by weight shall be sold by avoirdupois weight, except gold, silver, platina, diamonds or other precious stones, which may be sold by troy weight; and drugs which, when sold by retail, shall be sold by apothecaries weight. Things sold by weight with certain exceptions to be sold by avoirdupois weight.

4. An authorized and uninjured copy of each of the said Imperial Standards for Weights and Measures shall at all times thereafter be kept in the Colony, in the custody of the Colonial Secretary for the time being, for reference whenever required, and shall be and be deemed to be the authorized Standards from which all Weights and Measures used in the Colony shall be derived. An authorized copy of Imperial Standards to be kept in the custody of the Colonial Secretary.

5. It shall be lawful for the Colonial Secretary for the time being, by writing under his hand, to sanction the making of copies of the authorized Standards for Weights and Measures in British Columbia; provided, that before the same can be used the accuracy of Colonial Secretary to sanction the making of copies of standards, but before same are used they are to be tested and stamped.

A.D. 1868.

every such copy shall be tested by the said Colonial Secretary, and stamped with a stamp to be provided for that purpose, and to be kept by the said Colonial Secretary for the time being with the authorized Standards for the Colony.

Governor to appoint
Inspector of Weights
and Measures.

6. It shall be lawful for the Governor from time to time and at any time hereafter to appoint such persons as he may think fit to be Inspectors of Weights and Measures within the said Colony, for the whole or for any definite districts or portions of the said Colony, and to revoke any such appointments and make new appointments in lieu thereof.

Duties of Inspector.

7. It shall be the duty of every such Inspector, at such times and places and in such manner as the Governor shall from time to time in that behalf direct, to stamp all Weights and Measures brought to him for that purpose, and for every Weight and Measure so stamped such Inspector shall be entitled to receive the sum of twenty cents.

Power of Inspector.

8. Every such Inspector as aforesaid may, at all reasonable times, enter into any shop, store, warehouse, or place within the district in which he has authority to act, where any goods, commodities, or other articles are bought, sold, or exchanged, or exposed or kept for sale, or weighed for conveyance or carriage, and examine and try all weights, measures, steelyards, balances, or other weighing machines with the copies of the standard weights and measures required to be provided under this Ordinance, and may also seize all weights, measures, steelyards, balances, and other weighing machines so then and there found to be false and untrue, as things forfeited to the use of Her Majesty.

Material of weights.

9. No weight made of lead or pewter, or of any mixture thereof, shall be stamped or used. Provided, always, that nothing herein contained shall prevent the use of lead or pewter, or of any mixture thereof, in the composition of weights if they be wholly and substantially cased with brass, copper, or iron, and legibly stamped or marked "cased," or shall prevent the insertion of such a plug of lead or pewter into the weights as shall be bona fide necessary for the purpose of adjusting them, and of affixing thereon the stamp for the same.

Penalties for having
false weights, &c.,
or refusing to pro-
duce weights, &c.,
for inspection.

10. Every person having in his possession, or in his shop, store, warehouse, or place of business for purposes of weighing or measuring, or for sale, any false weights, measures, steelyards, balances, or other weighing machines or weights of a kind prohibited by this Ordinance, or neglecting or refusing to produce before any Inspector of weights and measures for the purpose of examination or proof in the way of his duty, any weight, measure, steelyard, balances, or other weighing machines, or obstructing or hindering any Inspector of weights and measures in the discharge of his duty, shall forfeit a sum not exceeding one hundred dollars.

11. Every person using any weights or measures, steelyards, balances, or other weighing machines which shall not have been examined, and proved, and stamped as such, and which shall be false, or a weight of any kind prohibited by this Ordinance, for the purposes of buying or selling, weighing or measuring, or otherwise for purposes of trade or business shall forfeit a sum not exceeding one hundred dollars; and if any such person shall so as aforesaid use any such weights, measures, steelyards, balances, or other weighing machines with intent to cheat or defraud, every such person shall be guilty of a misdemeanor, and on conviction may be punishable by fine not exceeding one thousand dollars, or imprisonment for any term not exceeding six calendar months.

A.D. 1868.

Penalties for using false weights, &c.

12. Every person making, forging, or counterfeiting, or procuring to be made, forged, or counterfeited any stamp or mark legally used to stamp or mark weights or measures with intent to deceive, or knowingly selling, altering, disposing of, or exposing for sale any weight or measure with such forged or counterfeit stamp or mark thereon shall be guilty of felony, and on conviction shall be imprisoned with or without hard labour for any term not exceeding three years.

Forgery of stamps, &c.

13. Wherever in this Ordinance any pecuniary penalty is imposed for any offence, the same may, unless otherwise provided, be recovered by way of summary proceedings before any single Justice of the Peace having jurisdiction in the locality in which the offence was committed, and every such penalty may, with the costs of conviction, be levied by distress and sale of the goods and chattels of any offender; and in case such goods and chattels shall prove insufficient to satisfy such penalty and costs, then by imprisonment of such person so offending, for any term not exceeding three calendar months; and no warrant of commitment upon a conviction under this Ordinance shall be held to be invalid by reason of any defect, if it be therein alleged that the offender has been convicted, and there be a good and valid conviction to sustain the same.

Penalties how recoverable.

Warrant of commitment sustained by a good conviction.

14. In the construction of this Ordinance the word "Governor" shall be held to mean the Governor of this Colony or other the Officer administering the Government of this Colony for the time being; and whenever in this Ordinance in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and be applicable to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided, or there be something in the subject or context repugnant to such construction.

Interpretation Clause.

A.D. 1868.

Short Title.

15. This Ordinance may be cited for all purposes as "The Weights and Measures Ordinance, 1868."

No. 98.

A.D. 1868.

An Ordinance for the more effectual protection of Her Majesty's Naval and Victualling Stores.

[22nd April, 1868.]

Preamble.

WHEREAS it is expedient for the more effectual protection of Her Majesty's Naval and Victualling Stores, to provide for the conviction of persons having the same illegally in their possession:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Interpretation of terms.

1. In this Ordinance the term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of the Lord High Admiral:

The term "Dealer in Marine Stores" means every person dealing in, buying and selling anchors, cables, sails, or old junk, old iron, or marine stores of any description, and every such person is hereby bound to conform to the regulations of "The Merchant Shipping Act, 1854," Sections 480, 481, and 482:

The term "Dealer in Old Metals" shall mean any person dealing in, buying and selling old metal, scrap metal, broken metal, or partly manufactured metal goods, or defaced old metal goods, and whether such person deals in such articles only, or together with second hand goods or marine stores; and the term "Old Metals" shall mean the said articles:

The term "in Her Majesty's Service" when applied to persons applies also to persons in the employment of the Admiralty:

The term "Stores" includes any single Store or Article.

Marks in Schedule appropriated for Her Majesty's Naval and Victualling Stores.

2. The marks described in the Schedule to this Ordinance may be applied in or on Her Majesty's Naval and Victualling Stores to denote Her Majesty's property in stores so marked.

It shall be lawful for the Admiralty, their Contractors, Officers, and Workmen to apply the said marks or any of them to, in, or on any such stores as are described in the said Schedule.

Imitation a misdemeanor.

If any person without lawful authority (proof of which authority shall lie on the party accused) applies any of the said marks in or on any such stores, he shall be guilty of a misdemeanor, and shall

be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

A.D. 1868.

3. From and after the passing of this Ordinance, if any person with intent to conceal Her Majesty's property in any Naval or Victualling Stores, takes out, destroys, or obliterates wholly or in part any such mark as aforesaid, he shall be guilty of felony, and shall be liable, in the discretion of the Court, to be kept in penal servitude for any term not exceeding four years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Obliteration, with intent to conceal Her Majesty's property, felony.

4. If any person, without lawful authority (proof of which authority shall lie on the party accused) receives, possesses, keeps, sells, or delivers any Naval or Victualling Stores bearing any such mark as aforesaid, knowing them to bear such mark, he shall be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding one year, with or without hard labour.

Knowingly receiving, &c., marked stores a misdemeanor.

5. Where the person charged with such misdemeanor as last aforesaid was, at the time at which the offence is charged to have been committed, a dealer in marine stores, or a dealer in old metals, or in Her Majesty's Service, knowledge on his part that the stores to which the charge relates bore such mark as aforesaid, shall be presumed, until the contrary is shewn.

Knowledge of stores being marked, presumed against dealers, &c.

6. Any person charged with such a misdemeanor as last aforesaid, in relation to stores the value of which does not exceed one hundred dollars, shall be liable on summary conviction before a Justice of the Peace, to a penalty not exceeding two hundred dollars, or, in the discretion of the Justice, to be imprisoned for any term not exceeding six calendar months, with or without hard labour.

Offenders may be summarily convicted in certain cases.

7. After any dealer in marine stores, or a dealer in old metals, shall be convicted of any offence, felony, or misdemeanor under this Ordinance, it shall be lawful for the Justice or Court so convicting to make and enforce such order and direction for the registration and keeping such offender under the supervision and inspection of the Police for such period, and for the keeping and maintenance by him of such fairly written and kept books of account of such offender, at such place or places, and in such forms, with such and so many returns of transactions, at such times, and under such regulations, and when and so often as to the Justice or Court so convicting shall seem meet.

Dealer convicted under this Ordinance liable to future inspection of Police.

8. For any act or default contrary to any order, direction, or regulation made under the 7th Section of this Ordinance, done or made by any dealer in old metals, or any dealer in marine stores, during the period in which any such order or regulation of the Justice or Court so convicting as aforesaid shall be in force, he shall incur a penalty of not less than five dollars, and not exceeding fifty

Penalty on offences by dealer under supervision of Police.

A.D. 1868.

dollars, and for every subsequent offence a penalty of not less than fifty dollars, and not exceeding one hundred dollars.

Persons not dealers in marine stores, &c., found in possession of Naval or Victualling Stores, and not satisfactorily accounting for the same, liable to penalty.

9. In order to prevent a failure of justice, in some cases, by reason of the difficulty of proving knowledge of the fact that stores bore such a mark as aforesaid, if any Naval or Victualling Stores bearing any such mark are found in the possession of any person not being a dealer in marine stores, or a dealer in old metals, and not being in Her Majesty's Service, and such person when taken or summoned before a Justice of the Peace does not satisfy the Justice that he came by the stores so found lawfully, he shall be liable, on conviction by the Justice, to a penalty not exceeding one hundred dollars; and if any person satisfies the Justice that he came by the stores so found lawfully, the Justice, at his discretion, as the evidence given and the circumstances of the case require, may summon before him every person through whose hands such stores appear to have passed; and if any such person as last aforesaid, who has had possession thereof, does not satisfy the Justice that he came by the same lawfully, he shall be liable, on conviction by the Justice, to a penalty not exceeding one hundred dollars.

Criminal possession explained.

10. For the purposes of this Ordinance, stores shall be deemed to be in the possession or keeping of any person if he knowingly has them in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or enclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit, or for the use or benefit of another.

No unauthorized persons to creep, sweep, &c., for stores, within 100 yards of Dockyards, &c.

11. It shall not be lawful for any person, without permission in writing from the Admiralty, or the Senior Officer for the time being in command of any fixed or temporary Naval Station or place, or any vessel in this Colony, belonging to or in the service of Her Majesty, or from some person authorized by the Admiralty in that behalf, to creep, sweep, dredge, or otherwise search for stores in the sea or any tidal water, within one hundred yards from any vessel belonging to Her Majesty, or in Her Majesty's Service, or from any mooring place or anchoring place appropriated to such vessels, or from any moorings belonging to Her Majesty, or from any of Her Majesty's wharves, or dock, victualling, or steam factory yards, or hospitals.

If any person acts in contravention of this provision he shall be liable, on summary conviction before a Justice of the Peace, to a penalty not exceeding one hundred dollars, or to be imprisoned for any term not exceeding three calendar months, with or without hard labour.

Certain sections of 24 & 25 Vic., cap. 96, incorporated with this Ordinance.

12. The following sections of the Imperial Act of the Session of the 24th and 25th years of Her Majesty Queen Victoria, chapter 96, incorporated with this Ordinance. "To consolidate and amend the Statute Law of England and Ire-

land, relating to larceny and other similar offences," shall, save so far as hereinbefore altered, be incorporated with this Ordinance, and shall for the purposes of this Ordinance (save as so altered and so far as they are not from local circumstances inapplicable to this Colony) be read as if they were here re-enacted, namely:—

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Sections 98, 99, 100, 103, 104, 105, 107, 108, 109, 115 to 118 inclusive, and 120; and for this purpose the expression "this Act" when used in the said incorporated sections shall be taken to include the present Ordinance.

13. No summary conviction under this Ordinance shall be quashed for want of form, and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted and there be a good and valid conviction to sustain the same.

No summary conviction to be quashed for want of form, &c.

14. It shall not be competent for any person other than the Admiralty, or the Admiral, or other the Senior Officer for the time being in British Columbia of Her Majesty's Naval Station, which includes within its limits the waters of the said Colony, and they are hereby respectfully authorized to institute or carry on under this Ordinance any prosecution or proceeding for any offence.

None but the Admiralty to prosecute.

15. Notwithstanding anything in any Act or Ordinance, Imperial or otherwise, any pecuniary penalty or other money recovered under this Ordinance shall be paid or applied to the use of Her Majesty, Her heirs and successors.

Penalties to be applied to the use of Her Majesty.

16. Nothing in this Ordinance shall prevent any person from being indicted under this Ordinance, or otherwise, for any indictable offence made punishable on summary conviction by this Ordinance, or prevent any person from being liable under any other Ordinance or Act, or otherwise, to any other or higher penalty or punishment than is provided for any offence by this Ordinance, so that no person be punished twice for the same offence.

Not to prevent persons being indicted under this Ordinance.

17. Whenever in this Ordinance in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and several matters and things as well as one matter or thing, unless it otherwise be provided or there be something in the subject or context repugnant to such construction.

Interpretation Clause.

18. This Ordinance may be cited for all purposes as the "Naval and Victualling Stores Ordinance, 1868."

Short Title.

A.D. 1868.

SCHEDULE.

*Marks appropriated for Her Majesty's use in or on Naval and
Vituallling Stores.*

Stores.	Marks.
Hempen Cordage and Wire Rope ...	White, Black, or Colored Worsted Threads laid up with the Yarns and the Wire respectively.
Canvas Fearnought Hammocks and Seaman's Bags.....	A Blue Line in a Serpentine Form.
Buntin	A Double Tape in the Warp.
Candles	Blue or Red Cotton Threads in each Wick, or Wicks of Red Cotton.
Timber, Metal, and other Stores not before enumerated.....	The Broad Arrow.

No. 99.

A.D. 1868. An Ordinance respecting the Supreme Courts of Justice of
British Columbia.

Vide Nos. 112 & 135.

[1st May, 1868.]

Preamble.

WHEREAS before and at the time of the passing of "The British Columbia Act, 1866," there were within the limits of the present Colony of British Columbia two Supreme Courts of Justice, having jurisdiction respectively the one over the then Colony of Vancouver Island, and the other over the then Colony of British Columbia:

And whereas certain doubts have arisen as to the respective powers and jurisdiction of the said two Courts, and of the Judges thereof, since the passing of the said Act and the Union of the said two Colonies thereunder:

And whereas it is desirable that such doubts should be removed, and further, that the Law relating to the Sheriff of British Columbia should be regulated as hereinafter is mentioned:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. All the jurisdiction, powers, and authorities which, before the passing of "The British Columbia Act, 1866," were by Law vested in and had and exerciseable by the Supreme Court of Civil Justice of the Colony of Vancouver Island, and in and by the Chief Justice thereof, both in civil and criminal matters and proceedings, shall be deemed and taken to have continued so vested in, and to have been had and exerciseable by, the said Court and the said Chief Justice thereof, as if the said Act had not been passed.

A.D. 1868.

Powers and jurisdiction of the Supreme Court of Vancouver Island.

2. All the jurisdiction, powers, and authorities which before the passing of "The British Columbia Act, 1866," were by Law vested in and had and exerciseable by the Sheriff of Vancouver Island for the time being, in all matters, process, and proceedings, civil as well as criminal, and before all Courts in the said Island, under or by virtue of the Order in Council of the 4th day of April, A. D. 1856, shall be deemed and taken to have been and to continue during the pleasure of the Governor vested in the High Sheriff for the time being of British Columbia, as and from the 19th day of November, A. D. 1866.

Powers of Sheriff.

3. The provisions of the "Sheriffs' Ordinance, 1867," shall be deemed and taken to extend and apply, and to have extended and applied, to that part of British Columbia heretofore known as the Colony of Vancouver Island and its Dependencies, as and from the passing of such Ordinance.

Applies Sheriff's Ordinance, 1867."

4. Whenever in any of the Ordinances made and passed in the last Session of the Legislature of this Colony the words "The Supreme Court," "The Supreme Court of Civil Justice," "The Supreme Court of Civil Justice of British Columbia," or other superior "Courts" shall occur, the same shall henceforward, and unless repugnant to the plain sense of the context be and be deemed to have been, from the date of the passing of such Ordinances respectively, for the Mainland "The Supreme Court of Civil Justice of British Columbia;" for Vancouver Island and its Dependencies "The Supreme Court of Civil Justice of the Colony of Vancouver Island."

Interpretation Clause.

5. This Ordinance may be cited for all purposes as "The Courts Short Title. Declaratory Ordinance, 1868."

No. 100.

A.D. 1868.

An Ordinance to assimilate the Law affecting the limitation of certain causes of Actions and Suits.

[1st May, 1868.]

Preamble.

WHEREAS it is expedient to assimilate the Law affecting the limitation of causes of certain Suits arising abroad, in certain cases:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Repeal of V. I.
Foreign Actions
Acts, 1860 and 1861.

1. "The Limitation of Foreign Actions Act, 1860," and "The Extension of Limitation of Foreign Actions Act, 1861," of the formerly separate Colony of Vancouver Island are hereby repealed. Provided that the repeal hereinbefore mentioned shall not affect or prejudice any rights or privileges acquired under the Acts hereby repealed, or either of them, but the same shall be respectively held and construed as if such repeal had not taken place.

Foreign Statutes of
Limitations to be a
sufficient defence in
certain cases.

2. In case any suit or action shall be instituted in this Colony against any person here resident, in respect of a cause of action or suit which has arisen between such person and some other person in a Foreign Country, wherein the person so sued shall have been resident at the time when such cause of action or suit shall have first arisen, such suit or action shall not be maintained in any Court of Civil Jurisdiction in this Colony, if the remedy thereon in such Foreign Country is barred by any statute or enactment for the limitation of actions existing in such Foreign Country.

Form of plea.

3. Any defendant may obtain the benefit of the foregoing enactment by a plea in the form following:—

"And for a (1st, 2nd,) plea to the whole, or any particular count of the declaration or suit, the defendant, says that the cause of action, or suit, is barred by the Law of (name of the Country,) in which Country the said cause of action or suit first arose."

Provided he shall give evidence of the expiration of the period of limitation prescribed by the Foreign Law pleaded.

Printed copy to be
prima facie evi-
dence.

4. Any printed copy, purporting to be an authorized copy of any such statute or enactment, shall be prima facie evidence of the statute or enactment of which it purports to be an authorized copy.

Short Title.

5. This Ordinance may be cited for all purposes as "The Limitation of Actions Ordinance, 1868."

No. 101.

An Ordinance respecting the investigation of accidents by Fire. A.D. 1868.

[1st May, 1868.]

WHEREAS several fires have lately occurred in the Colony of British Columbia, the origins of which remain undiscovered: Preamble.

And whereas it is expedient to appoint Officers to investigate the causes of accidents by fire occurring in the said Colony of British Columbia:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. From and after the date of the passing hereof, the Stipendiary Magistrate, whether acting as Coroner or not, or in his absence any Justice of the Peace within whose jurisdiction any fire has occurred, whereby any house or other building in such jurisdiction has been wholly or in part consumed, shall institute an enquiry into the cause or origin of such fire, and whether it was kindled by design or was the result of negligence or accident, and act according to the result of such enquiry. Empowers Magistrates to enquire into fires.

2. For the purpose aforesaid, such Stipendiary Magistrate or Justice of the Peace shall summon and bring before him all persons whom he deems capable of giving information or evidence touching or concerning such fire, and shall examine such persons on oath, and shall reduce their examinations to writing, and return the same to the Colonial Secretary for the time being of the said Colony. Power to summon witnesses.

3. It shall not be the duty of such Stipendiary Magistrate or Justice of the Peace to institute an enquiry into the cause or origin of any fire or fires by which any house or other building has been wholly or partially consumed; nor shall such enquiry be had, until such Stipendiary Magistrate or Justice of the Peace shall have a reasonable suspicion that such fire was the result of culpable or negligent conduct or design, or occurred under such circumstances as in the interests of justice and for the due protection of property, require an investigation. No formal inquest to be held save on reasonable suspicion.

4. The said Stipendiary Magistrate or Justice of the Peace may, in his discretion, or in conformity with the written requisition of any Agent of an Insurance Company, or of any three householders in the vicinity of any such fire, empanel a jury of not less than three nor more than twelve persons chosen from among the householders resident in the vicinity of the fire, to hear the evidence that may be adduced touching or concerning the same, and to render a verdict under oath thereupon, in accordance with the fact. On requisition, jury to be empanelled.

A.D. 1868.

Penalty for not serving on juries, how levied.

5. If any person having been duly summoned as a juror or witness to give evidence upon any such enquiry, does not after being openly called three times, appear and serve as such juror, or appear and give evidence at such enquiry, the said Magistrate or Justice of the Peace shall be empowered to impose upon the person so making default such fine as he thinks fit, not exceeding ten dollars; and such Magistrate or Justice of the Peace shall make out and sign a certificate containing the name, residence, trade or calling of such person, together with the amount of the fine imposed, and the cause of such fine, and shall cause a copy of such certificate to be served on the person so fined, personally, or by leaving it at his residence, within seven days after holding such enquiry; and if the same is not paid within the space of seven days after such certificate has been served as aforesaid, a warrant of distress shall be issued by the said Magistrate or Justice of the Peace, directed to the Sheriff, to be levied on the goods and chattels of such offender; and in default of such distress, or if such distress shall prove insufficient, such Magistrate or Justice of the Peace may commit the offender to prison, for any term not exceeding twenty-one days.

These provisions not to limit Coroner's powers.

6. Nothing herein contained shall affect any power by Law vested in any Coroner, or person acting as such, for compelling any person to attend and act as a juror, or to appear and give evidence before him on any inquest or other proceeding, or for punishing any person for contempt of Court in not so attending and acting, or appearing and giving evidence, or otherwise, but all such powers shall extend to and be exercised in respect of enquiries under this Ordinance.

Interpretation.

7. Whenever in this Ordinance in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided or there be something in the subject or context repugnant to such construction.

Fines, &c., declared public revenue.

8. All fines and penalties imposed under the provisions of this Ordinance, shall be payable to Her Majesty the Queen, Her heirs and successors, for the public uses of the said Colony.

Short Title.

9. This Ordinance may be cited for all purposes as the "Fire Inquiry Ordinance, 1868."

No. 102.

An Ordinance respecting Barristers and Attorneys-at-Law.

A.D. 1868.

[1st May, 1868.]

WHEREAS it is expedient that Barristers may practise as Preamble.
Attorneys and Solicitors, and Attorneys and Solicitors as
Barristers, in the Courts of British Columbia:

Be it enacted by the Governor of British Columbia, with
the advice and consent of the Legislative Council thereof, as
follows:—

1. That from and after the passing of this Ordinance, “The Extends “The Legal
Practitioners’ Ordinance, 1867.” to
former Colony of
Vancouver Island.
Legal Practitioners’ Ordinance, 1867,” shall extend and apply, and
the same is hereby extended and applied to the former Colony of
Vancouver Island and its Dependencies, and to all the Courts of
civil and criminal jurisdiction thereof.

2. This Ordinance may be cited for all purposes as “The Legal Short Title.
Professions Ordinance, 1868.”

No. 103.

An Ordinance authorizing the Sale of the Real Estate of In-
testates, and for other purposes.

A.D. 1868.

[1st May, 1868.]

WHEREAS it is expedient to assimilate the Law authorizing the Preamble.
Sale of the Real Estate of Intestates in all parts of the Colony
of British Columbia where the heir is absent or unknown:

Be it enacted by the Governor of British Columbia, with the
advice and consent of the Legislative Council thereof, as follows:—

1. “The Intestate Estate Sale Ordinance, 1867,” is hereby Repeals existing Or-
dinance, with provi-
so.
repealed, save as to all rights acquired and acts lawfully done
thereunder.

2. From and after the date of the passing hereof, it shall be Power vested in
Judge of Supreme
Court to order dis-
position of Intestate
Estates.
lawful for any Judge of the Supreme Court upon cause first shewn
before him in a summary way, on motion or by petition, that a
sale or some other disposition would be proper or advantageous to
the Real Estate in this Colony of any person dying intestate (and
such application may be made by any person or persons claiming
either as heir, or next of kin, or personal representative, or creditor
of the said deceased intestate) by any order or writing under the

A.D. 1868.

hand of such Judge, to authorize any Registrar or Deputy Registrar of the said Court, or the personal representative of the said deceased, to take possession of, hold, lease, sell, or otherwise dispose of the Real Estate in this Colony, belonging to the heirs of any such deceased intestate.

Proceeds of Real Estate how disposed of.

3. Such Registrar or representative shall hold and account for such Real Estate and the produce thereof, or the net proceeds of the sale or disposition thereof, or any part thereof, after deducting or making a fair charge for the trouble and expense of such application, management, or sale, to be fixed by the Court, or where a sale has taken place, shall pay the proceeds of such sale, after such deduction, into Court, under the "Trustees' Relief Ordinance, 1868," in trust for and to transfer the same under the orders of the said Court to the heirs of such intestate, when and so soon as such heirs shall have been ascertained to the satisfaction of the said Court.

Provides for paying moneys into Court.

4. All moneys paid into Court under this Ordinance, and under the "Trustees' Relief Ordinance, 1868," shall be paid in as a deposit to the Treasury of the Colony as the said Court shall from time to time appoint, in the name or to the account of the person acting as Accountant General for the time being of the said Court, to a separate account, to be intituled "The Account of (naming the person) deceased, intestate," or as the case may be.

Technically defective evidence may be received in cases under \$500.

5. On any application under this Ordinance, or for administration generally, in cases under the estimated value of five hundred dollars it shall be lawful for the Court to receive and make order on such evidence of any fact alleged, as shall be in the opinion of the Judge the best procurable without a disproportionate expense or delay, although the same may be technically defective in nature or degree when judged by the strict standard required by the known rules of law or equity.

Moneys paid in liable to order of Court.

6. All moneys so paid in as aforesaid shall be subject to the order of the said Court, which shall be sufficient authority for the Treasurer, who is hereby required thereon to pay out the same or otherwise act in accordance with such order; and on payment of any such money the Treasurer may require the receipt of the Registrar or Deputy Registrar of the said Court under the seal thereof.

Interpretation.

7. In the construction of this Ordinance the expression "The Supreme Court" shall on the Mainland and Queen Charlotte's Island mean the Supreme Court of Civil Justice of British Columbia; and on Vancouver Island the Supreme Court of Civil Justice of Vancouver Island.

Short Title.

8. This Ordinance may be cited as "The Intestate Estate Ordinance, 1868."

No. 104.

An Ordinance in aid of the Trustees' Relief Act.

A.D. 1868.

[1st May, 1868:]

WHEREAS an Act of the Imperial Parliament was passed in the Session of Parliament holden in the 10th and 11th years of the Reign of Her present Majesty Queen Victoria, chapter 96, intituled "An Act for better securing Trust Funds and for the relief of Trustees:—

Preamble.

And whereas it is expedient more fully to enact and apply the same in all parts of the Colony of British Columbia :

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. "The Trustees' Relief Ordinance, 1866," is hereby repealed, save as to all rights acquired and acts lawfully done thereunder.

Repeal of "Trustees' Relief Ordinance, 1866."

2. The said first above recited Act of the 10th and 11th years of the Reign of Her Majesty Queen Victoria, chapter 96, hereinafter called the said Trustees' Relief Act, shall be and have the force of law, and shall be deemed to have been so in force within the former Colony of British Columbia since the 19th day of November, A.D. 1858, and in the whole Colony of British Columbia since the coming into operation of "The English Law Ordinance, 1867."

Trustees' Relief Act to have force from 19th Nov., 1858.

3. The Judge or Judges of the Supreme Court of Civil Justice of British Columbia on the Mainland shall, as and from the 19th day of November, 1858, and the Judge or Judges of the Supreme Court of Civil Justice in Vancouver Island shall, as and from the coming into operation of the said "English Law Ordinance, 1867," be deemed to have had and to have been competent to exercise within their respective jurisdictions, all the jurisdiction and powers conferred by the said Trustees' Relief Act upon the High Court of Chancery, the Lord Chancellor, and the Master of the Rolls in England respectively.

Confirms the jurisdiction of the Supreme Court under the Statute.

4. All payments and transfers heretofore made by order of any such Supreme Court, or purporting or intended to have been so made to or through any person, Company, or Bank, under the said Trustees' Relief Act, or by virtue of any local Law or Proclamation of either the formerly separate Colony of British Columbia before the Union, or of the United Colony of British Columbia since the coming into operation of "The English Law Ordinance, 1867," in relation to such Act, shall be deemed to have been lawfully made within the said Trustees' Relief Act.

Confirms past payments and transfers.

A.D. 1868.

Provides for future
payments and trans-
fers.

5. All payments and transfers which by the said Trustees' Relief Act ought in cases within the jurisdiction of the High Court of Chancery in England to be made at the Bank of England, may in cases within the jurisdiction of any or either of such Supreme Court or Courts of the United Colony of British Columbia be made or deposited in the name or to the account of the person acting as Accountant General for the time being of such Court, at the Treasury of the Colony.

Treasurer's receipt
a good discharge.

6. The receipt of the Treasurer of the said Colony, or any person acting as such Treasurer for the time being, shall be and be deemed to be in all cases within the jurisdiction of any or either of such Supreme Court or Courts, as full and complete a discharge for the money therein specified to be received as the receipt of a Cashier of the Bank of England in cases within the jurisdiction of the High Court of Chancery in England.

Invests Judge of
Supreme Court with
powers of Account-
ant General.

7. All duties which in England may be performed by the Accountant General, may in this Colony be performed by the Judge of the Supreme Court in this Colony, within or in relation to whose jurisdiction such duties may be performed, but no fees shall be taken in respect thereof.

Short Title.

8. This Ordinance may be cited for all purposes as "The Trustees' Relief Ordinance, 1868."

No. 105.

A.D. 1868. An Ordinance to amend "The Shipping Ordinance, 1867."

[1st May, 1868.]

Preamble.

WHEREAS it is expedient to amend "The Shipping Ordinance, 1867:—"

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Repeals Clause 5 of
"The Shipping Or-
dinance, 1867."

1. Clause 5 of "The Shipping Ordinance, 1867," is hereby repealed.

Short Title.

2. This Ordinance may be cited for all purposes as "The Shipping Amendment Ordinance, 1868."

No. 106.

An Ordinance to extend "The Thompson Bridge Toll Act, 1864." A.D. 1868.

[1st May, 1868.]

WHEREAS in consequence of delays and unforeseen difficulties Preamble.
in the construction of "Spence's Bridge" over the Thompson River, arising from natural causes over which the Contractor had no control, it is expedient to extend "The Thompson Bridge Toll Act, 1864," in manner hereinafter appearing:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. "The Thompson Bridge Toll Act, 1864," together with the provisions, penalties, and remedies thereof, is hereby extended, and all and singular the powers, rights, tolls, and privileges by the said Ordinance accorded to Thomas Spence therein mentioned, his executors, administrators, and assigns, shall be and are hereby extended and continued to him and them for and during the further period of two and a half years beyond the term prescribed for his and their enjoyment of such powers and privileges conferred on him and them, under the said "Thompson Bridge Toll Act, 1864." Extends privileges granted by "The Thompson Bridge Toll Act, 1864." Nevertheless, with and subject to all and singular the covenants, conditions, and stipulations in the said Ordinance respectively mentioned or referred to, mutatis mutandis, as if the said term so extended had been originally inserted in the said Ordinance.

2. Provided that the powers and privileges hereby accorded are granted upon the further condition that the said Thomas Spence, his executors, administrators, and assigns, shall at all times during the continuance undetermined of the said powers and privileges conferred on him and them, under or by virtue of "The Thompson Bridge Toll Act, 1864," and of this Ordinance, and either of them, maintain and keep the said Bridge and its approaches in good and proper repair and working order, to the satisfaction of the Chief Commissioner of Lands and Works and Surveyor General, or his agent. Conditions of extension.

3. Provided, also, that it shall be lawful for the Governor or other Officer administering the Government of British Columbia, at any time hereafter, to redeem all and singular the aforesaid powers and privileges at any time during the continuance of the said extended term of two and a half years hereby accorded, upon payment to the said Thomas Spence, his executors, administrators, or assigns, of such reasonable compensation therefor as shall be named in that behalf by any Arbitrator to be agreed upon between Provides for redemption.

A.D. 1868.

the said Chief Commissioner and the said Thomas Spence, his executors, administrators, or assigns, within one calendar month after any notice to him or them in writing from the said Chief Commissioner in that behalf; or in default of such agreement by any Arbitrator to be appointed in that behalf by the Supreme Court of Civil Justice of British Columbia, upon the summary application of either party; the decision of every such Arbitrator to be final.

Bridge to revert to Her Majesty on forfeiture, &c.

4. Provided, that on forfeiture or other determination of the privileges by such Ordinance conferred on the said Thomas Spence, his executors, administrators, and assigns, the said Bridge and all improvements thereto shall revert to the use of Her Majesty, Her heirs and successors absolutely, and the moneys arising from the said Bridge and Tolls, less the cost of collection, shall be deemed and accounted for as part of the public revenue; and the powers, remedies, and privileges herein contained shall thereupon be exercised by and on behalf of Her Majesty, Her heirs and successors.

Short Title.

5. This Ordinance may be cited for all purposes as "The Thompson Bridge Ordinance, 1868."

No. 107.

A.D. 1869.

An Ordinance to establish Banks for Savings within the Colony of British Columbia.

[22nd February, 1869.]

Preamble.

WHEREAS it is expedient to establish Banks for the safe custody and increase of small savings belonging to the industrious classes in the said Colony, under the guarantee of the public credit of the Colony:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Governor to appoint Commissioners of Savings Banks.

1. It shall be lawful for the Governor to appoint not more than five, and not less than three, persons to be Commissioners of Savings Banks in the said Colony, for the purposes and to carry out the provisions of this Ordinance; and the names of such persons shall be published in the Government Gazette.

Commissioners to be a body corporate,

2. The said persons, when so appointed, and their successors to be appointed from time to time by the Governor aforesaid, shall be and are hereby constituted a body corporate, by the name of "The Commissioners of Savings Banks in the Colony of British Columbia," and by that name shall have perpetual succession, and be able and capable to sue and be sued in all Courts of Law and Equity;

and for the uses thereof, to accept, purchase, and hold real estate, and sell, lease, and dispose of the same; and, also, to acquire and possess for the same uses, all gifts, goods and chattels, and personal property whatsoever; and shall have a common seal. And it shall be lawful for the Governor to remove any Member of the said Corporation, and as often as any vacancy shall arise by reason of such removal, or by resignation, or death of any Member, to appoint some fit and proper person as successor to the person so removed, resigning, or dying.

A.D. 1869.

with a common seal.

Power to the Governor to remove Commissioners and fill vacancies.

3. The names and description of every person appointed to fill any vacancy as aforesaid, shall be published in the Government Gazette, and immediately thereupon the person so appointed shall have vested in him and be invested with all the estate, right, title, power and authority, and perform all the duties of the person in whose place he shall have been so appointed.

Names of persons appointed to vacancies to be published in Government Gazette.

4. The Commissioners aforesaid shall appoint one or more Clerks, Cashiers, and other Officers if necessary, for the purpose of carrying out this Ordinance; and such Clerks, Cashiers, and other Officers shall give such good and sufficient security for the just and faithful execution of such office as shall be approved by the said Commissioners.

Appointment of Officers by Commissioners.

5. The said Commissioners may from time to time make rules and regulations for the conduct of the business of and generally with reference to the management of the said Savings Banks, and such rules and regulations shall, when approved by the Governor and published in the Government Gazette, have the force and effect of Law as if they formed part of this Ordinance.

Commissioners may make Rules and Regulations.

6. The principal Bank shall be established in Victoria; but the Commissioners shall have power to establish branches throughout the Colony, with the approval of the Governor, and on notice thereof in the Government Gazette.

Principal Bank to be in Victoria, with power to Commissioners to establish branches.

7. No Commissioner shall be personally liable, except for his own acts and deeds, or for anything done by him by virtue of his office in the execution of this Ordinance, except in cases when he shall be guilty of wilful neglect or default.

Commissioner not personally liable, except for wilful neglect.

8. An account shall be made up and published in the Government Gazette on or before the thirty-first day of January in each year, of the assets and liabilities of every Savings Bank, made up to the thirty-first day of December preceding, signed by the Commissioners, and audited by the Auditor General of the Colony, with a certificate attached thereto, signed by the Officer acting as Treasurer of the Colony, showing the balance in the hands of the Government; and all interest which shall become due and payable to each Depositor on any sum of money deposited in a Savings Bank, shall be calculated and computed by the proper Officer, once

Accounts to be made up and published in Government Gazette in each year, and audited by Auditor General.

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in each year, up to the thirty-first day of December, and shall be carried to the credit of the account of such Depositor, and an entry thereof shall be made in the "Depositor's Book," as soon as may be convenient after the date of the annual balance, and the same shall become principal, and shall thenceforth carry interest in all respects as other principal money deposited in such Savings Bank, as from the thirty-first day of December. Provided, always, that no interest shall be computed on the fractional part of one dollar; and, provided also, that no fractional part of any month shall be taken into account.

Minors may make deposits.

9. In case the Commissioners shall have received any deposit of money from or for the benefit of any person under the age of twenty-one years, it shall be lawful for them to pay such person his or their share and interest with funds of the Bank.

Commissioners may pay money to a married woman, or to her husband.

10. It shall be lawful for the Commissioners to pay any sum of money to a married woman, in respect of any deposit made by her without notice of her marriage, unless the husband of such woman shall give to said Commissioners notice in writing of such marriage, and shall require payment to be made to him, in which event, it shall be lawful for such Commissioners, in their discretion, to pay all or such portion of such money so deposited by such woman, less by the repayment, if any, heretofore made thereupon, together with any interest due in respect of the same, to such husband, or to such woman, as to them, the said Commissioners, shall seem proper.

Charitable or friendly Societies may deposit in Savings Banks.

11. It shall be lawful for all charitable or friendly societies, legally established, or hereafter to be established, by their Treasurer, or other proper Officer in that behalf appointed, to pay into any Savings Bank all or any portion of the funds of such Society, and as an ordinary Depositor to receive the usual rate of interest allowed by such Savings Banks to the Depositors therein, and such Treasurer, or other proper Officer, to receive back all or any portion of the funds due on such account to such Society, as the Society may direct.

No deposit received of less than 25 cents or more than \$1,000.

No interest allowed on deposits over \$1,000.

No Depositor to have an account in more than one Savings Bank.

12. It shall not be lawful for the Commissioners to receive from any Depositor any deposit less than one-quarter of one dollar, nor more than one thousand dollars. Provided, that so long as the balance to the credit of any such Depositor shall, including principal and interest, exceed one thousand dollars, no interest shall be allowed, paid, or payable on such excess; and it shall not be lawful for any person, either in his own name or in the name of any other person on his behalf, or on his account, to deposit or hold, at the same time, moneys in more than one of the said Savings Banks.

Depositors dying leaving \$1,000, in case of no probate or letters of administration.

13. In case any Depositor in any Savings Bank shall die, leaving any sum of money in the said Savings Bank belonging to him or her at the time of his or her death, not exceeding in the whole,

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—

including interest, the sum of one thousand dollars, and probate of the will of the deceased Depositor (if any will have been made) or letters of administration of his or her estate and effects be not produced to the Commissioners, or if notice in writing of the existence of a will and intention to prove the same, or to take out letters of administration be not given to the said Commissioners within the period of two months from the death of the said Depositor, and in the latter case, unless such will be proved or letters of administration taken out within the period of three months from the death of the said Depositor, it shall be lawful for the said Commissioners to pay and divide the same to or amongst any person or persons who shall appear to such Commissioners to be the widow or entitled to the effects of such deceased Depositor according to Law, or according to any general order which the Commissioners may make in that behalf, and the payment of any such sum of money shall be valid and effectual with respect to any demand of any other person or persons as next of kin, legatee, or personal representative of such deceased Depositor, against the funds of such Savings Bank or the Commissioners thereof; but, nevertheless, such next of kin, legatee, or representative shall have remedy for recovery of such money so paid as aforesaid, against the person or persons who shall have received the same.

14. If any Depositor, being illegitimate, shall die intestate, leaving any person or persons who, but for the illegitimacy of such Depositor, would be entitled to the money due to such deceased Depositor, it shall be lawful for the Commissioners to pay the money due to such deceased Depositor to any one or more of the persons who shall have claimed such money, and who, in their opinion would have been entitled to the same according to Law, if the said Depositor had been legitimate.

Depositors dying intestate or illegitimate.

15. Payment of any money by the Commissioners as aforesaid, to any person or persons having letters of administration, or probate of any will, and appearing to be in force, shall be valid and effectual with respect to any demand of any other person or persons as the lawful representative or representatives of such Depositor against the funds of such Savings Bank and the Commissioners aforesaid; but, nevertheless, such representative or representatives shall have remedy for such money so paid as aforesaid, against the person or persons who have received the same.

Payment to persons having probate or administration effectual.

Remedy to representatives.

16. The said Commissioners may, and they are hereby authorized and empowered to receive deposits from any person who shall declare himself willing to act as a Trustee for the account of any other person disabled by idiocy, lunacy, or unsoundness of mind, and to allow interest and make payments as in the case of ordinary Depositors, and the receipt of such person so acting as Trustee shall be a sufficient discharge to the said Commissioners.

Persons of unsound mind may make deposits by Trustees.

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Depositor to sign
declaration.

Depositor depositing
bound by this Ordinance and the Rules
and Regulations, made in pursuance
thereof.

Depositor's Book.

Commissioners to
keep an account in
a Chartered or Colonial Bank.

Surplus money may
be lodged on loan in
the Colonial Treasury.

Sums to be drawn
from Chartered or
Colonial Banks by
cheque.

Commissioners to
publish a statement
of the position of the
Savings Banks every
year, in the Government Gazette.

Surplus to be paid
to public Treasury.

17. Every Depositor shall, before depositing any sum in the said Savings Bank, sign a declaration that he has no money in any other Savings Bank established under this Ordinance, and if any Depositor shall make a false declaration the Commissioners may declare his deposit to be forfeited, and the same shall thereupon be forfeited to the use of Her Majesty, Her heirs and successors; and every Depositor shall, by depositing any money in the said Savings Bank, be held to have assented to and shall be bound by all the provisions of this Ordinance, and the rules and regulations made in pursuance thereof; and on making the first deposit, every Depositor shall receive a book for entry of his deposit, which shall be called "the Depositor's Book," and every sum deposited or withdrawn shall be entered by the Cashier or Clerk therein, and initialed by at least two Officers of the said Bank, and no money shall be repaid without the production of the said book, which shall be deemed to be the Depositor's voucher.

18. The said Commissioners shall keep an account with one of the Chartered or Colonial Banks of the Colony, and lodge at the end of every week, or oftener if necessary, all and every sums and sum of money deposited during that week with the Savings Bank.

19. Whenever the said Commissioners shall have to the credit of the Savings Bank with the said Chartered Bank, after payment of all the expenses or drafts of or on the said Savings Bank, a sum exceeding the sum of one thousand dollars, such sum may be lodged on loan in the Colonial Treasury, and the Officer acting as Treasurer is hereby authorized to receive the same and give a receipt therefor to the said Commissioners, and carry the same to a separate account, to be called "The Commissioners of Savings Banks Account."

20. Whenever any sum is required to be drawn out of the said Chartered or Colonial Banks for any of the purposes of the said Savings Banks, such sum shall be drawn by a cheque signed by the Cashier and countersigned by at least two of the said Commissioners.

21. The said Commissioners shall, in or by the first week in January in every year, make out an Account or Balance Sheet shewing the total receipts and payments, and expenses of the said Savings Banks for the year ending the thirty-first day of December preceding, and shewing a correct and true statement of the then position of the said Savings Banks, and the same shall be published in the Government Gazette, and if there shall be any surplus to the credit of the said Savings Bank the same shall be paid into the Public Treasury, under the separate account of the said Commissioners, and for the public uses of the Colony; but the Officer acting as Treasurer is hereby empowered and required on receipt of a requisition, signed by the said Commissioners, to pay to their credit

in the Chartered Bank aforesaid any sum of money standing in their names to the credit of the said separate account.

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22. The rate of interest allowed to the said Commissioners on any moneys so lodged by them in the Colonial Treasury aforesaid shall not exceed six per centum per annum; and the rate of interest to be allowed to Depositors shall be announced from time to time in the Government Gazette by the Commissioners so appointed as aforesaid, provided that such rate of interest when payable shall not be less than four per centum per annum.

Rate of interest on loans to Colonial Treasury, and to Depositors.

23. The said Commissioners shall be at liberty to return to any one or all of the Depositors, at any time, the whole amount of his, her, or their deposits, upon giving him, her, or them one month's notice of their intention so to do, and the interest due to such Depositor or Depositors to be calculated according to the Rules of the Savings Bank, up to the expiration of the notice, beyond which time no interest will be allowed; and the said Commissioners shall also be at liberty to refuse any deposit which may be offered.

Commissioners may return deposits on giving one month's notice.

24. No deposit shall be paid except on the production of the Depositor's Book, and in case of the non-attendance of the Depositor an order signed by him and witnessed shall be required; but the production of the Depositor's Book, or satisfactory evidence of the loss or destruction of such book, shall be sufficient authority to the Officers of the Savings Bank for the payment of the money; and if any Depositor be desirous of withdrawing his deposit, he must give one week's notice of his intention so to do; and all payments so made shall be valid and effectual, and shall protect the said Officers from any liability thereunder.

Deposit paid on production of Depositor's Book.

One week's notice of withdrawal of Deposit.

25. And whereas it may so happen that the funds deposited in the said Savings Banks may not at all times be available for the purposes of meeting demands thereon: Now, for the purpose of fully effecting the intent of this Ordinance, be it enacted that the Officer acting as the Treasurer of the Colony shall pay out of the General Revenue, on the order of the Governor, any sum or sums of money, whether for interest or principal, due to any person or persons who shall make deposit under this Ordinance, as may from time to time be required.

Treasurer of the Colony may make payments out of the General Revenue.

26. In the construction of this Ordinance the word "Governor" shall be held to mean the Governor of this Colony or other the Officer administering the Government of this Colony for the time being; and whenever in this Ordinance in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and

Interpretation Clause.

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things as well as one matter or thing, unless it otherwise be provided, or there be something in the subject or context repugnant to such construction.

Short Title.

27. This Ordinance may be cited for all purposes as "The Savings Banks Ordinance, 1869."

No. 108.

A.D. 1869.

An Ordinance for promoting the Public Health in the Colony of British Columbia.

[23rd February, 1869.]

Preamble.

WHEREAS it is necessary to adopt measures with the object of preventing or guarding against the origin, rise, or progress of endemic, epidemic, or contagious diseases, and to protect the health of the inhabitants of this Colony, and for this purpose to grant to the Governor in Council extraordinary powers to be used when urgent occasion demands:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Governor to define
Health Districts,
and make Sanitary
Regulations,

1. It shall be lawful for the Governor in Council, by any order duly made and passed, from time to time, and at any time, to mark out, define, and vary certain portions of the Colony to be Health Districts, and to make and alter such Rules, Regulations, and By-Laws, as such Governor in Council may deem expedient, in respect to the following matters, that is to say:—

- (a.) The establishment, management, and maintenance of Local Boards of Health, their functions and powers:
- (b.) The duties and jurisdiction of the Local Boards of Health, in all matters whatsoever in anywise relating to drains, sewers, privies, pigsties, slaughter-houses, unwholesome food, diseased cattle, noxious or offensive trades or business, epidemic, endemic, or contagious diseases or disorders, and for the summary abatement of any nuisance or injury to public health likely to arise therefrom, and all matters relating to quarantine, as well of Her Majesty's Ships of War as other and all vessels and boats entering any port, river, or harbour in this Colony:
- (c.) The regulation of the inspection of dwelling-houses, curtilages, hospitals, gaols, and other places, and generally to regulate all such other matters and things whatsoever, in relation to or in connection with sanitary matters, which the

said Governor in Council shall from time to time deem expedient to ordain:

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- (d.) Any fines or penalties for the enforcement of the provisions of such By-Law, not exceeding in amount the fines and penalties hereinafter provided in case of the evasion of any of the provisions of this Ordinance. Provided, always, that the Governor may make such Orders, Rules, Regulations, and By-Laws to apply to certain portions of the Colony only.

2. Every such Order, Rule, Regulation, and By-Law so made, when published in the Government Gazette, shall, so far as the same shall not have been in like manner repealed or varied, be deemed to be and have the force of Law, and be so recognized in all Courts of the Colony, and every such Order, Rule, Regulation, and By-Law so made, shall be laid before the Legislative Council immediately if it be in Session, or if not, as soon as possible after its next meeting, together with an account of all sums expended, and all sums required for the due execution of this Ordinance, in order to be dealt with as such Legislative Council may deem expedient.

3. For the purposes of this Ordinance, the Corporation of the City of Victoria and the Municipal Council of New Westminster, and the Council of any Municipality or Municipal District now or hereafter to be created, respectively, shall be the Local Boards of Health within their respective limits and jurisdictions; and it shall be lawful for the Governor, by writing under his hand, to appoint such and so many persons as he may think fit to form a Local Board for any other town, district, or place, and from time to time to remove any such person or persons from such Board, and appoint any other person or persons in his or their stead; or if he think fit or desirable, the Governor may order the persons who compose such Local Board to be elected, in such manner as he may think feasible, by the Inhabitants of any of the Health Districts of the Colony.

4. It shall be the duty of the various Local Boards of Health to carry out the Rules, and Regulations, and By-Laws, from time to time made and issued by and under the authority of the Governor in Council, and may from time to time, by and with the approval of the Governor, appoint or employ such Officers and Servants as may be necessary for this purpose, and subject to such approval, may make Regulations and By-Laws specifying the duties and powers of the Officers and Servants so appointed or employed, and may remove such Officers and Servants as such Board may see fit, and may recommend that the Officers and Servants so appointed shall be paid such sums as they may deem fit out of such part of the General Revenue as may be reserved for such purpose, and it shall be lawful for the Governor to order payment to be made to them, respectively, of sums not exceeding those recommended. Provided,

A.D. 1869.

always, that the Corporation of the City of Victoria and the Municipal Council of New Westminster, and the Council of any Municipal District shall provide for any expenses incurred, or Officers or Servants employed by them in carrying out the provisions of this Ordinance within their respective limits, out of the General, City, Town, or District Taxes, as they may deem fit.

No Officer to be concerned in contract.

5. No Officer or Servant of any Local Board shall be concerned or interested, directly or indirectly, in any bargain or contract entered into by such Local Board.

Health Officer.

6. Whenever there is good and sufficient reason to apprehend the invasion of any contagious or epidemic disease, likely seriously to endanger life, the Governor may appoint and pay a fit and proper Officer, to be called the Health Officer, whose duty it shall be to provide that the Local Boards carry out the Orders in Council, and generally to perform such duties as the Governor in Council may direct, either in respect of quarantine or other sanitary matters, but such appointment shall be of a temporary nature only, and shall cease upon the termination of the cause that gave it origin, or sooner, if by such Governor considered advisable, or expedient, or necessary.

Penalties ;

7. Whoever shall wilfully obstruct any Health Officer, or any Member of the Local Board of Health, or any Officer or person duly employed in the execution of this Ordinance, or of any By-Law, or of any provision of any such By-Law, or destroy, pull down, injure, or deface any board, placard, or notice made or published under this Ordinance, or in any way commit any wilful breach or contravention of any provision, or part of any provision, of this Ordinance, or of any Rule, Regulation, or By-Law to be made in pursuance thereof, shall be punishable summarily before any Justice of the Peace, upon information under oath, and upon conviction, by any fine not exceeding, for a first offence, one hundred dollars, and for a second offence, any sum not exceeding two hundred dollars.

how enforced.

8. Every penalty imposed by this Ordinance, and by any By-Law, Rule, Order, or Regulation made in pursuance thereof, may, with the costs of conviction, be levied by distress and sale of the goods and chattels of any offender; and in default of payment of such penalty and costs, then by imprisonment of such offender for any term not exceeding three calendar months in one of Her Majesty's gaols; and no warrant of commitment upon a conviction under this Ordinance shall be held to be invalid by reason of any defect or informality, if it be therein alleged that the offender has been convicted, and there be a good and valid conviction to sustain the same.

Interpretation.

9. In the construction of this Ordinance the word "Governor" shall be held to mean the Governor of this Colony or other the

Officer administering the Government of this Colony for the time being, and whenever in this Ordinance in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided or there be something in the subject or context repugnant to such construction.

A.D. 1869.
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10. This Ordinance may be cited for all purposes as the "Health Short Title. Ordinance, 1869."

No. 109.

An Ordinance to enable "The Queen Charlotte Coal Mining Company, Limited," to change their Registered Office from the City of New Westminster to the City of Victoria.

A.D. 1869.
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[24th February, 1869.]

WHEREAS under and by virtue of the provisions of the "British Columbia Act, 1866," and the Union Proclamation, 1866, in that behalf duly made and issued, by His Excellency Frederick Seymour, Governor of British Columbia, on the 17th day of November, 1866, the Colony of Vancouver Island was, from the issuing of such Proclamation, united with the Colony of British Columbia: Preamble.

And whereas, "The Queen Charlotte Coal Mining Company, Limited," was on or about the 19th day of February, 1868, duly Registered by the Registrar of Joint Stock Companies, for that part of the said United Colony of British Columbia commonly known as the Mainland of British Columbia (being the former Colony before the said Union), as a Joint Stock Company, pursuant to the Law relating to Joint Stock Companies on the said Mainland of British Columbia:

And whereas the said Company was and is Incorporated under a memorandum of Association, whereby it is provided among other things, that the Registered Office of the said Company is in New Westminster, British Columbia:

And whereas at the date of the said Registration, New Westminster was the Capital and Seat of Government of the said united Colony:

And whereas by Proclamation duly made by His Excellency Frederick Seymour aforesaid, Governor of British Columbia, it

A.D. 1869.

was proclaimed and declared that from and after the 25th day of May, 1868, until otherwise appointed by Her Majesty Queen Victoria, Her heirs and successors, the City of Victoria, in the Colony of British Columbia, should be and be deemed for all purposes whatever the Capital and Seat of Government of the said United Colony of British Columbia:

And whereas no appointment hath since the date of the said last mentioned Proclamation been made by Her said Majesty, appointing any other City or Place to be the Capital or Seat of Government of the said united Colony:

And whereas it is expedient that the said Company should have power and authority by Law, to remove their said Registered Office from the Capital of the former Colony of British Columbia, to the Capital of the said united Colony, in manner hereinafter provided:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Power of Colonial Secretary by certificate to change registered office of Company from New Westminster to Victoria.

1. Upon the application of the Directors for the time being of "The Queen Charlotte Coal Mining Company, Limited" made within one year after the date of the commencement of this Ordinance, sanctioned by a resolution passed at an Extraordinary General Meeting, but subject to the restriction hereinafter mentioned, the person for the time being lawfully acting as Colonial Secretary of British Columbia shall have authority, by his Certificate in writing, to change the Registered Office of the said Company from the City of New Westminster to the City of Victoria, and the Registrar of Joint Stock Companies with whom the memorandum of Registration of such Company has been Registered, shall upon receipt of such Certificate, and upon payment of the sum of five dollars, note in writing upon the margin, or at the foot of the said memorandum, the City of Victoria as being the name of the place to which such Registered Office is to be transferred, and the day upon which such transfer is, pursuant to such Certificate, to take place, and shall attach the Certificate to the memorandum, and thereupon the place of such Registered Office shall from the day mentioned in the said Certificate be the City of Victoria. Provided, however, that such change shall in nowise alter or affect anything heretofore done by the said Company, or any of their rights or liabilities in respect thereof.

After proof of notice of intended change.

2. The said person so, for the time being, acting as Colonial Secretary of British Columbia, shall not issue his Certificate in pursuance of the foregoing section, until he is satisfied that an advertisement of the intention of the Company to apply to him for a Certificate, with a declaration that all parties objecting thereto are forthwith to apply to the said person so acting as Colonial Secretary, has been published once at the least in each of four successive weeks in the Government Gazette of British Columbia, nor until

he is satisfied that the objections, if any, that may be urged against the issue of such Certificate are groundless. A.D. 1869.

3. This Ordinance may be cited for all purposes as "The Queen Short Title. Charlotte Mining Company's Office Ordinance, 1869."

No. 110.

An Ordinance respecting the appointment of Commissioners to take Affidavits and Bail, and for the making of Statutory Declarations. A.D. 1869.

[24th February, 1869.]

WHEREAS it is expedient to provide for the taking of Affidavits and Bail, and for making Statutory Declarations: Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. Any Judge of a Supreme Court of this Colony, may by one or more Commission or Commissions, under the seal of such Court, from time to time empower so many persons in the Colony as he may think fit and necessary, to take and receive any Affidavit, or Affirmation in cases where by Law an Affirmation is allowed, which any person may desire to make in or concerning any cause, matter, or thing, depending or in anywise concerning any of the proceedings in such Court. Empowers Judge to appoint Commissioners to take Affidavits.

2. Every such Affidavit and Affirmation may be read and made use of in such Court as other Affidavits or Affirmations taken therein, and shall be of the same force as if taken in open Court; and any person wilfully forswearing himself in any Affidavit or making false Affirmation before any of the said Commissioners, shall be liable to the same pains and penalties as if such Affidavit or Affirmation were made in open Court. Affidavits how used.
Penalty for forswearing.

3. Any such Judge as aforesaid, may from time to time, in manner aforesaid, appoint the same or other persons to be Commissioners in the Colony, to take and receive all and every such recognizances of bail as any person or persons may at any time desire to acknowledge or make, in any action or suit depending in the said Court, in such manner and form, and by such recognizances of bail, as the Justices of the said Court may take, which recognizance or recognizances of bail, or bail piece, so taken as aforesaid shall be filed in the office of the Registrar or Deputy Registrar of such Supreme Court, together with an Affidavit of the due taking of the recognizance by some credible person present at the taking thereof. Empowers Judge to appoint Commissioners to take bail;
Method of filing the same.

A.D. 1869.

—
 Recognizance same
 as if taken in open
 Court.

Prescribes form of
 declaration.

4. The recognizance so taken and filed shall be of the like effect, and subject to exception as to the bail in like manner, and within the same time, as if taken in open Court.

5. And whereas by virtue of the Statute of the 5th and 6th years of the Reign of King William the IV., c. 62, certain persons therein mentioned are authorized and empowered to take Declarations in lieu of Oaths and Affidavits; be it therefore further enacted that, from and after the passing of this Ordinance, all persons now or hereafter by Law authorized or empowered to take Declarations, shall take and administer such Declaration in the following form:—

“I, A. B., of _____, do solemnly and sincerely declare that _____, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the ‘Oaths Ordinance, 1869.’”

Short Title.

6. This Ordinance may be cited for all purposes as the “Oaths Ordinance, 1869.”

No. 111.

A.D. 1869.

An Ordinance respecting the Reconveyance of Vancouver Island to the Crown.

[25th February, 1869.]

Preamble.

WHEREAS the Original Deed of Reconveyance of Vancouver Island to the Crown is deposited among the Records of the Colonial Office in England, and cannot be obtained in this Colony, and it is expedient to make duly certified copies thereof evidence in all cases which may arise within the Colony:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Certified copies of
 Original Deed and
 Plan to have same
 force and effect as
 the Original Deed.

1. Every copy of the Deed of Reconveyance, including the Map or Plan thereunto annexed, bearing date the 3rd day of April, A.D. 1867, and made between the Governor and Company of Adventurers of England, trading in Hudson's Bay, of the one part, and Her Most Gracious Majesty Queen Victoria, of the other part, and purporting to convey and surrender Vancouver Island and its appurtenances (except as therein is excepted) to Her Majesty, Her heirs and successors, which copy shall be certified under the hand and seal of the Registrar General of Vancouver Island, or other the person for the time being acting in that capacity, to be a correct copy of the said Original Deed of Reconveyance of the 3rd day of April, A. D. 1867, together with the Map or Plan thereof thereunto annexed, shall be

and be deemed to be of and to have the same force and effect in Judicature, and thereout, as the said Original Deed of the 3rd day of April, A. D. 1867, with the Map or Plan thereunto annexed, of which it purports to be a copy; and no exception shall be taken to the production of, or the validity of, such certified copy, on the ground of the non-production of the said Original Deed and Plan, or on any other ground whatever.

A.D. 1869.

2. This Ordinance may be cited for all purposes as "The Short Title.
Vancouver Island Reconveyance Ordinance, 1869."

No. 112.

An Ordinance to regulate the Supreme Courts of Justice of British Columbia. A.D. 1869.

[1st March, 1869.] *Vide Nos. 99 & 139.*

WHEREAS it is expedient, for the avoidance of all doubt, further Preamble.
to declare, define, and regulate the jurisdiction and power of the Supreme Courts of the Colony, and the Judges thereof, in manner hereinafter mentioned :

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Proclamation made and passed under the Great Seal of the former Colony of British Columbia, on the 24th day of December, A.D. 1858, is hereby repealed, but all Acts and Orders heretofore bona fide done and made thereunder shall be and be deemed to have been legal so far as the same shall not have been subsequently repealed or varied by any Act, Ordinance, or Order. *Repeals B. C. Proclamation, 24th December, 1858.*

2. Nothing contained in this Ordinance or in the Proclamation of the former Colony of British Columbia, made and passed under the Great Seal thereof, on the 8th day of June, 1859, shall be deemed or taken to have in any way limited or affected the power or authority of the Governor of British Columbia heretofore, by Commission under the Great Seal of the Colony, to appoint any Judge, other than the Judge in such Proclamation named, of the Supreme Court of Civil Justice of British Columbia, to act in any part of the Colony as a Judge of such Court, with all the powers expressed in such Commission; but every such Judge so heretofore appointed shall be deemed to have been lawfully appointed and commissioned, and every power heretofore exercised, act done, and order made under or by virtue of such commission, shall be and be deemed to have been valid and lawful, and shall be so recognized in all Courts of the Colony. *Confirms the acts of Judges in British Columbia,*

A.D. 1869.

—
And acts of Judges
in Vancouver Island.

3. All acts heretofore done and powers exercised by, or by order or under colour of, any Writ or Warrant of the present Judge of the Supreme Court of Civil Justice of British Columbia, in any part of the present Colony of British Columbia, shall be and be deemed to have been lawful and lawfully done and exercised, to all intents and purposes whatsoever, and shall be recognized as such in all Courts of the Colony; and no objection thereto shall be taken or allowed, or Suit, action, or proceeding sustained by reason that any such act has been heretofore done, Order so made, Warrant, Writ, or Summons so issued or executed, out of the jurisdiction of the said Supreme Court of British Columbia.

The Supreme Court
of Vancouver Island.

4. The Supreme Court established under the name of "The Supreme Court of Civil Justice of the Colony of Vancouver Island," shall from and after the coming into operation of this Ordinance, be called "The Supreme Court of Vancouver Island," and the present Chief Justice thereof shall be called and known by the name and style of "The Chief Justice of Vancouver Island."

The Supreme Court
of the Mainland of
British Columbia.

5. The Supreme Court established under the name of "The Supreme Court of Civil Justice of British Columbia," shall from and after the coming into operation of this Ordinance, be called "The Supreme Court of the Mainland of British Columbia," and the present Judge thereof shall be called and known by the name and style of "The Chief Justice of the Mainland of British Columbia."

Confines jurisdiction
of the Courts to
Vancouver Island
and the Mainland
respectively.

6. Except as hereinafter mentioned, the jurisdiction, civil and criminal, of the said Supreme Courts shall be the same, and all the powers and authorities heretofore by law vested in and exerciseable by the Judges thereof respectively, in all civil and criminal matters and proceedings whatsoever, shall be the same and shall continue so vested in and exerciseable by them respectively, as if the titles of the said Supreme Courts and of the Judges thereof had not been changed, and as if the Imperial Statute of the 29th and 30th Victoria, chapter 67, intituled "The British Columbia Act, 1866," had not passed; that is to say: the jurisdiction of the Supreme Court of the Mainland of British Columbia shall extend only over the former Colony of British Columbia and its Dependencies, and the jurisdiction of the Supreme Court of Vancouver Island shall extend only over the former Colony of Vancouver Island and its Dependencies previous to Union.

Confirms existing
appointments.

7. Nothing herein contained shall be deemed or taken to affect the appointments of the present Judges of the said Courts, or of either of them, or the tenure under which they or either of them hold office, or (except as hereinafter mentioned) the rights of Her Majesty, Her heirs and successors, with respect to the appointment or otherwise of persons holding or to hold the said offices, or the office of Chief Justice of the Supreme Court of British Columbia

hereinafter mentioned, at the salary prescribed by the "Crown Salaries Ordinance, 1863," as if such Chief Justice had been the Judge named therein, or to affect the appointments or tenures of any of the present Officers of the said Courts, or any of them, or, except as hereinafter mentioned, the rights of the Governor, or Judges of the said Courts, or either of them, with respect to the appointment or otherwise of persons holding, or to hold, such offices.

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8. Nothing herein contained shall be deemed or taken to affect or invalidate any acts or proceedings done, commenced, or taken in the said Courts, or either of them, or any Decrees, Judgments, Orders, Rules, or Regulations of the said Courts, or either of them, or anything done in pursuance of such Decrees, Judgments, Orders, Rules, or Regulations; and all Proceedings heretofore commenced and taken in the said Courts, or either of them, may be continued and prosecuted in the Court in which they were so commenced or taken, notwithstanding the change of titles of the said Courts. Provided, always, that in all Proceedings taken, and in all Decrees, Judgments, Orders, and Regulations made after the passing of this Ordinance, the new title of the Court in which such Proceedings are taken, or such Decrees, Judgments, Orders, Rules, and Regulations are made after the passing of this Ordinance, the new title of the Court in which such Proceedings are taken, or such Decrees, Judgments, Orders, Rules, and Regulations are made, shall be inserted in such Proceedings, Decrees, Judgments, Orders, Rules, and Regulations, in lieu of the former title; and Seals, bearing Her Majesty's Royal Arms, and of the new titles of the said separate Courts, shall, as soon as conveniently may be, be substituted for those at present in use by such separate Courts, and the same shall be cognizable and of full authority in Judicature and thereout, respectively, to all intents and purposes.

Continues proceedings of existing Courts in the new Courts.

9. Either of the said Chief Justices may, at the request of the other Chief Justice, assist such other Chief Justice in hearing and determining all cases civil and criminal, which such last mentioned Chief Justice might have heard and determined, and for that purpose, the Chief Justice for the time being rendering such assistance, shall have and exercise all the powers, authorities, and jurisdiction which the Chief Justice to whom such assistance is rendered has and exercises, and he may sit either separately or together with the last mentioned Chief Justice, as shall seem best to the said two Chief Justices, for the due administration of justice.

10. Provided, always, that upon the Mainland of British Columbia, the Chief Justice of the Mainland of British Columbia, and upon Vancouver Island, the Chief Justice of Vancouver Island, shall have rank and precedence over the other Chief Justice.

Defines precedence.

11. Upon a vacancy being created by the death, resignation, or

Provides for merger

A.D. 1869.

of the Supreme
Courts into one
Supreme Court,

otherwise, of either of the present two Chief Justices, the said Supreme Courts of the Mainland of British Columbia and of Vancouver Island shall be merged into one Supreme Court, to be called "The Supreme Court of British Columbia," and the surviving or remaining Chief Justice shall preside over the said Courts, and shall be called "The Chief Justice of British Columbia," and a Puisne Judge of the said Court shall thereupon be appointed by Her Majesty, Her heirs or successors, by Warrant under Her or their Sign Manual and Signet, and receive the annual salary of one thousand pounds; and all the jurisdiction, powers, and authorities of the two present existing Supreme Courts, and of the Judges thereof, shall be vested in, and shall be had, exercised, and enjoyed by the said Supreme Court of British Columbia, and the Judges thereof.

with a new seal.

12. The said Supreme Court of British Columbia, when constituted, shall have a Seal, bearing thereon Her Majesty's Royal Arms and the name of "The Supreme Court of British Columbia," which shall be used by the said Supreme Court as occasion shall require.

Rules and Regula-
tions, how made.

13. The said Chief Justice of British Columbia is hereby authorized and empowered, from time to time, to make all such Orders, Rules, and Regulations as he shall think fit, for the proper administration of justice in the said Supreme Court of British Columbia, and subject to such Orders, Rules, and Regulations, the then existing Rules and Regulations of the Supreme Court of the Mainland of British Columbia shall have full force and effect in the said Supreme Court of British Columbia.

Short Title.

14. This Ordinance may be cited for all purposes as "The Supreme Courts Ordinance, 1869."

No. 113.

A.D. 1869.

An Ordinance to provide for the Fencing of Land in British Columbia.

[1st March, 1869.]

Preamble.

WHEREAS it is expedient to provide for the proper Fencing of Lands in the Colony of British Columbia:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Governor may di-
vide Colony into
Fence Districts.

1. It shall be lawful for the Governor, from time to time, for the purposes of this Ordinance, to divide the said Colony into Districts,

to be called Fence Districts, and alter the same from time to time as occasion may appear to require.

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2. A lawful fence shall be at least four feet nine inches high throughout, above the general surface of the ground, and substantially constructed of either stone, brick, earth, wood, or iron, or partly of any one or more of these materials; and if made of horizontal bars, boards, or rails, of wood or iron, shall consist of such dimensions so as not to leave more than six inches between the several bars or rails respectively, up to the height of three feet from the surface of the ground, and for the remainder of the fence not more than twelve inches between the said bars or rails. Provided, also, that any natural boundary, which shall be sufficient to prevent the passage of cattle into inclosures, shall be treated as a lawful fence.

Definition of a lawful fence.

3. In the event of cattle straying into lands within a Fence District on the Mainland of British Columbia, and into lands within or without a Fence District in all other parts of the Colony, unprotected by a lawful fence so defined to be lawful as aforesaid, no trespass shall be deemed to have been committed, and no action for trespass shall be maintainable therefor, any law to the contrary notwithstanding.

No action for trespass on cattle straying into lands unprotected by lawful fence.

4. If any cattle shall break into any ground enclosed by a lawful fence, the owner of such animal shall be liable to the owner or occupier of the enclosed premises for all damages sustained by such trespass, and if the trespass shall be repeated by neglect of the owner of such animal he shall, for the second and every subsequent offence, be subject to double the damage of such trespass to the owner or occupier of the said premises. The owner or occupier of the premises may impound every such animal, and shall advertise the same, with a sufficient description thereof, or give a written notice to the owner, if known; and if any animal so trespassing shall not be claimed, and the damages paid, together with the keep of such animal, and the cost of advertising such notice, within ten days from the publication of such notice, or of the delivery of the same to the owner of such animal if known, the owner or occupier of the premises shall be at liberty to sell the same by public auction, and repay himself out of the proceeds of such sale, all damages done and expenses incurred for the keep, advertisement, and sale thereof; and the notice shall be given to the owner of every such animal, by advertisement or otherwise, within five days from the date of impounding, and if not so given no charge shall be made for the keep of such animal for more than five days.

Cattle breaking into land enclosed by a lawful fence, the owner liable for damages.

Cattle may be impounded. ;

and sold by public auction.

5. That in case there be no Auctioneer within a convenient distance in any particular Fence District, it shall be lawful for the Stipendiary Magistrate, or other Justice of the Peace for the Dis-

Magistrate may appoint salesman.

A.D. 1869.

trict, to appoint a salesman for the purpose of selling cattle impounded for trespass; but such salesman shall not require an Auctioneer's Licence.

Disputes may be tried by jury.

6. If any dispute shall arise under this Ordinance, the same shall be adjudicated upon by the Justice of the Peace for the District wherein the same occurred, with the option of either party to claim a Jury of five persons. The Justice of the Peace shall, for the purposes of this Ordinance, have all the powers of a County Court Judge in this Colony, in summoning, and compelling attendance of witnesses and jurors, and awarding damages and costs, which damages and costs shall be recovered in the same manner as amounts due under judgments of the County Court.

Power to Justice of the Peace to enforce decision.

How Fence Districts may be created.

7. Except so far as otherwise provided by Section 3, this Ordinance shall not be applicable to any District unless upon an application being made in writing to the Governor of the Colony of British Columbia, signed by at least two-thirds of the resident land owners or occupiers in such District requiring the same to be applied to such District, and the Governor's Proclamation of his assent thereto in the Government Gazette accordingly.

Interpretation Clause.

8. In the construction of this Ordinance the word "Governor" shall be held to mean the Governor of this Colony for the time being, or other the Officer administering the Government of this Colony for the time being; and whenever in this Ordinance in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided or there be something in the subject or context repugnant to such construction. The word "Cattle" shall extend to and include horses, mares, fillies, foals, geldings, colts, bulls, bullocks, cows, heifers, steers, calves, sheep, lambs, goats, pigs, mules, jennets, and asses.

Short Title.

9. This Ordinance may be cited for all purposes as "The Fence Ordinance, 1869."

No. 114.

An Ordinance for the better protection of Cattle, and the
• better prevention of Cattle Stealing.

A.D. 1869.

[9th March, 1869.]

WHEREAS it is expedient to make provision for the better
protection of Cattle, and for the better prevention of Cattle
Stealing: Preamble.

Be it enacted by the Governor of British Columbia, with the
advice and consent of the Legislative Council thereof, as follows:—

1. From and after the passing of this Ordinance, any Justice of
the Peace, upon complaint or information on oath that any Cattle
suspected to have been stolen is in the possession of any person,
may issue a summons to such person, requiring him to appear at a
time and place mentioned in such summons, before the Justice of
the Peace issuing such summons, or, in the discretion of such
Justice, may issue a warrant in the first instance to apprehend and
bring such person before such Justice of the Peace, and also if such
Justice shall think fit, may issue his warrant to any Constable,
commanding him to seize any such Cattle suspected to have been
stolen, and detain the same until such information or complaint
shall have been disposed of, and if on the appearance of such per-
son so summoned or apprehended, or on proof of the service of such
summons personally, or by leaving the same at the usual or last
known place of abode of such person two days before he was re-
quired to appear, it shall seem to such Justice, after hearing
evidence on oath or affirmation, that such Cattle was stolen, it shall
be lawful for such Justice to determine to whom such Cattle
belong, and to adjudge such person to be the owner thereof and to
issue a warrant under his hand and seal to any Constable of the
said Colony, commanding him forthwith to seize such Cattle where-
soever the same may be found, and to restore and give peaceable
possession thereof to the person so adjudged to be the owner as
aforesaid. Provided, always, that nothing herein contained shall
be construed or taken to discharge any person from any criminal
prosecution for felony to be afterwards brought against such per-
son, or to prevent the Justice committing such person for trial, or
to deprive any person of any right he may have, or might have had
before the passing hereof. Restitution of stolen
cattle may be
awarded.

2. If any witness shall prove on oath before any Justice of the
Peace that there is reasonable cause to suspect that the skin or
carcass of any Cattle stolen from any person is concealed in any
dwelling-house, or other place, it shall be lawful for such Justice to
issue a warrant directing any Constable to search such dwelling-
Penalty for posses-
sion of skin or car-
cass of stolen cattle.

A.D. 1869.

house or place, and if the skin or carcass of any Cattle, or any part thereof, so suspected to have been stolen, shall be found in the possession of any person in or at such dwelling-house or other place specified in such warrant, with his knowledge, it shall be lawful for any Justice before whom such person shall be brought (unless such person shall satisfy the said Justice that he came lawfully by the same), to commit such person to the nearest gaol or lock-up in which he can be conveniently confined, in order that he may be brought forward for trial at the next sitting of the said Justice of the Peace (unless he enter into such bail with one or more sufficient securities as may be required for his appearance before such Court, which bail any Justice is hereby authorized and required to take), and if such person so apprehended after proof upon oath of such finding of such skin, or carcass, or any part thereof as aforesaid, shall not satisfy the Justice sitting in open Court that he came lawfully thereby, he shall forfeit and pay any sum not exceeding two hundred and fifty dollars, together with the charges previous to and attending his conviction.

Penalty for fraudu-
lently branding
cattle.

3. Any person wilfully and fraudulently branding or marking, or attempting to brand or mark, or being directly or indirectly concerned in branding or marking, with his own or another person's brand, stamp, or mark, any Cattle not belonging to himself, without the consent of the owner of such Cattle, shall, on conviction thereof upon information under oath in a summary manner before any Justice of the Peace of the said Colony, be punishable for every such offence with a fine not exceeding two hundred and fifty dollars, leviable as hereinafter mentioned, and for a second offence by a similar fine leviable in like manner, with or without hard labour, not exceeding six months, in the discretion of the convicting Justice.

Imprisonment for
non-payment of
fines.

4. Upon non-payment of any fine, forfeiture, or penalty, or non-compliance with any order or adjudication under this Ordinance, either immediately or within such period after the conviction as such Justice at the time of such conviction shall appoint, and where no mode of proceeding is hereby prescribed, such Justice shall commit the person making default in payment or not complying with such order or adjudication, to any gaol in the said Colony, with or without hard labour, in the case of non-payment of any sum, for any period not exceeding three months, where such sum remaining unpaid shall not exceed fifty dollars; four months where the said sum shall exceed fifty dollars and not exceed one hundred dollars; and six months where the said sum shall exceed one hundred dollars, unless the said sums shall be sooner paid; and in case of non-compliance with any order or adjudication as aforesaid, for any period not exceeding six months.

Proceedings in a
summary way.

5. All proceedings under this Ordinance shall be had and taken

in a summary way, and no information, unless in cases hereby specially required, shall be necessary previous to the issuing of a summons; and no information, or warrant, conviction, commitment, or other proceeding before or by any Justice of the Peace for any offence under this Ordinance shall be quashed, or set aside, or judged void, or insufficient for want of form, or be moved by certiorari or otherwise into either of the Supreme Courts in the said Colony, save in any case where the value or amount of any Cattle of which any person may be ordered to make restitution, or of any sum, fine, or penalty, or forfeiture which any person may be ordered to pay shall exceed fifty dollars, in any information, summons, warrant, conviction, commitment, or other proceeding, for any offence contrary to this Ordinance, it shall be sufficient if the offence be stated in the words thereof declaring the offence, and in all proceedings under this Ordinance the informer or any party prosecuting shall be deemed a competent witness.

A.D. 1869.

6. All fines, forfeitures, and penalties imposed by this Ordinance, shall be paid to Her Majesty, Her heirs and successors, for the public uses of the said Colony, and in support of the Government thereof; provided, always, that the convicting Justice may at his discretion award any portion not exceeding one moiety of any fine, forfeiture, or penalty for the use of the informer or party prosecuting.

Appropriation of penalties.

7. No consideration or damages for breach of contract, or otherwise, shall be recoverable under any contract for the sale of any Cattle unless such sale shall have been made by bill of sale or memorandum in writing, and in the margin or body thereof there shall have been inserted at the period of making thereof the particular brands or marks upon each of the cattle included in such sale; provided, always, that this Section shall not apply to any portion of the Colony other than that formerly known as Vancouver Island and its Dependencies.

No damage for breach of contract unless bill of sale contains description of brands.

Every person keeping and using brands for branding cattle shall register the same with the Magistrate of the District, by leaving a transcript of such brand upon a board with such Magistrate, who shall keep a record of all such brands in a book kept for that purpose, to be at all times open to inspection on payment of a fee of twenty-five cents.

Brands to be registered.

No two persons shall have and use similar brands in the same District; and in case any person shall have registered a brand, and some other person shall use, within the same District, a similar brand, the Magistrate shall have power to compel the person so using a brand as aforesaid to alter the same in some particular; and in case of such person refusing or neglecting to obey the order of the said Magistrate, the said Magistrate shall have power to impose a penalty not exceeding fifty dollars for each offence.

No two persons to have similar brands.

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Fees for registration. brands.

Action against
Justices.

A fee of twenty-five cents shall be taken for each registration of

8. No action at law shall lie against any Justice of the Peace for any matter or thing done, or commanded to be done by him, in pursuance of the provisions of this Ordinance, unless there be proof of corruption or malice, and unless such action be commenced within three calendar months after the cause of action or complaint shall have arisen, and if any Justice shall be sued for any matter or thing done in pursuance of this Ordinance, he may plead the general issue and give the special matter in evidence.

Penalty for possession of brands other than those registered.

9. If any person is found in possession of other than his own registered brand or brands used for the purpose of obliterating existing brands, it shall be prima facie evidence that he is in possession of the same for cattle stealing purposes; and upon conviction thereof, summarily before a Magistrate, he shall be liable for each offence to the same penalties, recoverable in the same manner, as provided in clause 3 in case of unlawful branding.

Inspection of hides.

10. It shall be lawful for the Stipendiary Magistrate of any District in the Colony, or, where none such exists, for any Justice of the Peace of the Colony, at any time or from time to time, by any writing under his hand, to authorize any Constable or other person or persons to inspect the hides of all Cattle killed or brought to any Butcher's shop or slaughter-house, or other place used for the time being for killing any Cattle; and no Butcher or other person killing Cattle shall remove the skin or skins of any Cattle he may kill from the house or place where the same shall have been killed, or remove or disfigure any brands or marks on any such skin, but shall keep the same skins, so undefaced and undisfigured, at all times freely open to inspection by any Constable, Officer, or person so appointed as aforesaid to inspect, for the space of at least eight days from the day on which any such Cattle shall have been killed. Any person or persons impeding or interfering with any Constable, Officer, or other person so inspecting, shall be liable, upon conviction thereof summarily before a Justice of the Peace, to the same penalties, recoverable and enforceable on default, in exactly the same manner as is hereinbefore appointed in respect of the penalty imposed for the unlawful branding of Cattle. Provided, always, that this section shall not apply to any portion of the Colony other than that formerly known as Vancouver Island and its Dependencies.

Penalties.

Interpretation of
terms.

11. In the construction of this Ordinance the word "Cattle" shall extend to and include horses, mares, fillies, foals, geldings, colts, bulls, bullocks, cows, heifers, steers, calves, sheep, mules, and asses.

Sustaining clause.

12. Provided, that this Ordinance shall not take effect until Her Majesty's approval thereof shall have been published in this Colony.

Short Title.

13. This Ordinance may be cited for all purposes as the "Cattle Ordinance, 1869."

No. 115.

An Ordinance respecting Stipendiary Magistrates.

A.D. 1869.

[10th March, 1869.]

WHEREAS it is expedient to declare the powers and authorities of Stipendiary Magistrates in the Colony: Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. Every Stipendiary Magistrate appointed, or to be appointed, in or for the Colony of British Columbia, or any part, Town, or District thereof, shall have, and be deemed to have had, full power, authority, and jurisdiction to do alone, within the limits of his Commission or other authority appointing him in that behalf, all and whatsoever is, or may be, authorized to be done by any one or more Justice or Justices of the Peace in and for the said Colony, or any part, Town, or District thereof, under or by virtue of any Law, Statute, or Ordinance which shall for the time being be in force in the said Colony; and every such Magistrate shall, while acting as such within the limits of the District or other territorial division of this Colony, for the time being or from time to time assigned to him by his Commission, or other authority in that behalf from the Governor, or the Officer for the time being administering the Government, have and take rank and precedence before all other Justices of the Peace whatsoever, except Justices of Assize, or Judges of any Supreme Court in the Colony. Powers of Stipendiary Magistrates.

2. This Ordinance may be cited for all purposes as “The Stipendiary Ordinance, 1869.” Short Title.

No. 116.

An Ordinance to amend the Law of Partnership.

A.D. 1869.

[10th March, 1869.]

WHEREAS it is expedient to amend the Law relating to Partnership: Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. The “Partnership Act, 1866,” of the former Colony of Vancouver Island, is hereby repealed; provided, however, that such “Partnership Act, 1865,” repealed, saving existing rights.

A.D. 1869.

repeal shall not invalidate any acts or things done, or affect any rights acquired thereunder.

Advance of money on contract to receive a share of profits not to make lender a partner.

2. The advance of money, by way of loan, to a person engaged or about to engage in any trade or undertaking upon a contract in writing with such person that the lender shall receive a rate of interest varying with the profits, or shall receive a share of the profits arising from carrying on such trade or undertaking, shall not of itself constitute the lender a partner with the person or persons carrying on such trade or undertaking, or render him responsible as such.

Remuneration of agents, &c., by share of profits not to make them partners.

3. No contract for the remuneration of a servant or agent of any person engaged in any trade or undertaking by a share of the profits of such trade or undertaking, shall of itself render such servant or agent responsible as a partner therein, nor give him the rights of partner.

Certain annuitants not to be deemed partners.

4. No person being widow or child of the deceased partner of a trader, and receiving by way of annuity a portion of the profits made by such trader in his business shall, by reason only of such receipt, be deemed to be a partner of or be subject to any liabilities incurred by such trader.

Receipts of profits in consideration of sale of a good-will not to make seller a partner.

5. No person receiving, by way of annuity or otherwise, a portion of the profits of any business, in consideration of the sale by him of the good-will of such business, shall, by reason only of such receipt, be deemed to be a Partner of, or be subject to the liabilities of, the person carrying on such business.

In case of bankruptcy, &c., lender not to rank with other creditors.

6. In the event of any such trader aforesaid being adjudged a Bankrupt, or taking the benefit of any Act for the relief of Insolvent Debtors, or entering into an arrangement to pay his creditors less than one hundred cents in the dollar, or dying in Insolvent circumstances, the lender of any such loan as aforesaid shall not be entitled to recover any portion of his principal or of the profits or interest payable in respect of such loan, nor shall any such vendor of a good-will as aforesaid be entitled to recover any such profits as aforesaid, until the claims of the other creditors of the said trader for valuable consideration in money or money's worth have been satisfied.

Interpretation of "person."

7. In the construction of this Ordinance the word "person" shall include a Partnership Firm, a Joint-stock Company, and a Corporation.

Short Title.

8. This Ordinance may be cited for all purposes as "The Partnership Ordinance, 1869."

No. 117.

An Ordinance to establish a Volunteer Force.

A.D. 1869.

[9th March, 1869.]

WHEREAS it is expedient to encourage the establishment of Preamble.
 Volunteer Forces in the Colony of British Columbia:

Be it enacted by the Governor of British Columbia, with the
 advice and consent of the Legislative Council thereof, as follows:—

1. The Governor shall, by virtue of his office, be Commander-in-
 Chief of the Volunteer Force of the Colony. Governor to be Com-
mander-in-Chief.

2. It shall be lawful for the Governor, on behalf of Her Majesty, Volunteer Corps
how formed.
 from time to time to accept the services of any persons desiring to
 be formed under this Ordinance into a Volunteer Corps, and on
 such acceptance, the proposed corps shall be deemed lawfully
 formed under this Ordinance as a corps of the Colony; and all
 Volunteer Corps may be disbanded from time to time, and re-
 organized by authority of the Commander-in-Chief, as may in his
 opinion best tend to further the purposes of this Ordinance and the
 public good.

3. All arms shall be supplied by the said Colony to the non-com- Arms.
 missioned officers and privates of the Volunteer Force, and for
 these the Commanding Officer of the Corps shall be responsible;
 and the said arms shall be renewed and kept in repair at the expense
 of the Colony, when it becomes necessary on account of wear in
 service. Sufficient ammunition also shall be supplied for practice
 at the expense of the Colony, as the Commander-in-Chief may
 direct.

4. Every Volunteer Corps shall be officered by persons commis- How officered.
 sioned by the Governor of the Colony, on behalf of Her Majesty,
 and a Commission so granted shall not be deemed vacated by the
 revocation or other determination of the Commission by which
 such Governor was appointed; and Officers of the Volunteer Force
 shall rank with Officers of Her Majesty's Regular and Militia
 Forces, as the youngest of their respective ranks.

5. The establishment of each corps formed under this Ordinance, Regulations.
 and the general regulations for its management, shall be in accord-
 ance with the regulations of the Volunteer Force of Great Britain,
 as from time to time officially published and obtainable in the
 Colony.

6. No person shall be an Officer of the Force unless he is one of Officers, British sub-
jects.
 Her Majesty's subjects.

A.D. 1869.

Oath of Allegiance.

7. Every officer shall on receiving his commission, and every Volunteer, shall on his enrolment on the muster roll of his corps, or in either case as soon afterwards as he is called upon to do so by his superior officer, take the oath set forth in the Schedule to this Ordinance, before, either the Governor, any Judge, Magistrate, or commissioned Officer of the Corps, who has himself taken the said oath.

Resignation.

8. Except when on actual military service, any volunteer may quit his corps on complying with the following conditions, viz.:—

- (1.) Giving to the Commanding Officer of his company fourteen days' notice, in writing, of his intention to do so:
- (2.) Delivering up in good order, fair wear and tear excepted, all arms, clothing, and appointments, being public property or property of the corps issued to him:
- (3.) Paying all money due or becoming due by him under the rules of the corps, either before, or at the time, or by reason of his quitting it. And, thereupon, he shall cease to be a member of the force, and shall be entitled to be struck out of the muster roll thereof by the Commanding Officer, who shall thereupon furnish him with a certificate of discharge.

Active Service.

9. The Commander-in-Chief may call out the Volunteer Force, or any part thereof, for military service whenever it is in his opinion advisable to do so, by reason of actual or apprehended invasion of or insurrection in any part of the Colony; the occasion to be notified by Proclamation under his hand and seal. Every officer and volunteer so called out, shall be bound to assemble as the Commander-in-Chief directs, and to march or proceed according to orders within the Colony; and from the time of his corps being so called out, shall be deemed on actual military service. If any such officer or volunteer, not certified by proper authority to be incapacitated by infirmity for military service, or specially exempted by the Commander-in-Chief, refuses or neglects so to assemble and march, he shall be deemed a deserter.

Release by Proclamation.

10. After the Volunteer Force, or any part thereof, has been called out for actual military service, it shall only be considered released therefrom by a Proclamation of the Governor, declaring the occasion of need having passed, and before any Volunteer Corps is so released it shall be brought back to the place to which it belongs.

How officered when on active service.

11. When volunteers are on actual military service, the Governor of the Colony may put them and their officers under the command of a General or Field Officer of Her Majesty's Army, senior in rank to every Officer of the Volunteer Force so put under command; but so, nevertheless, that the volunteers put under such command, and while under it, shall be led by their own officers; and all volunteer

officers and volunteers, when called on for actual military service, shall be subject to the provisions of the Mutiny Act, the same as the officers and soldiers of Her Majesty's Army.

A.D. 1869.

*12. The Commanding Officer of a Volunteer Corps may discharge from the corps, when not on actual military service, any volunteer, and strike him out of the muster roll, either for disobedience of orders by him, or for neglect of duty, or misconduct by him as a member of the corps, or for other cause sufficient in the judgment of the said Commanding Officer; the volunteer so discharged shall deliver up in good order, fair wear and tear excepted, all arms, clothing, and accoutrements, being public property, or property of his corps, issued to him; and shall pay all money due or becoming due by him under the rules of his corps, either before, or at the time, or by reason of his discharge; provided, that no such discharge shall be made until the decision of a Court of Inquiry, to consist of two commissioned officers and one non-commissioned officer, shall have been given to that effect; but nothing herein contained shall prevent the Governor, on behalf of Her Majesty, from giving such directions with respect to any such case of discharge, and, if need be, reversing the same, as to the Governor may appear just and proper.

May be discharged
for misconduct.

13. If any Officer or Volunteer while under arms, or on march, or doing duty with the corps to which he belongs, or while wearing clothing or accoutrements of his corps, and going to or returning from any place of exercise or assembly of his corps, disobey any lawful orders of any officer under whose command he then is, or is guilty of misconduct, the officer then in command of the corps may order the offender if an officer into arrest, and if not an officer into the custody of any volunteer belonging to the corps; but so that the offender be not kept in such arrest or custody longer than during the time of the corps then remaining under arms or on duty.

Liabie to be placed
under arrest.

14. The officers and volunteers belonging to a Volunteer Corps may, from time to time, make Rules for the management of the property, finances, and civil affairs of the corps, and may alter and repeal such rules: and any such Rules transmitted to the Governor by the Commanding Officer of the corps, and approved of by him, on behalf of Her Majesty, shall be binding on all members of the corps, and a copy of such rules, either in print or writing, or both, certified to be a true one by the Commanding Officer, shall be conclusive evidence of the Rules of the corps.

May make rules for
management of
corps.

15. All money subscribed by or for the use of a Volunteer Corps, and all effects thereto belonging, and the exclusive right to sue for and recover current or past due subscriptions, and any other money due to the corps, and all lands or buildings acquired by the corps, shall rest in the Commanding Officer of the corps for the time being, and his successors in office, with power for him or them to

Powers of Com-
manding Officer over
property of corps.

A.D. 1869.

sue and make contracts and conveyances, and do all other lawful things relating thereto; and any civil or criminal proceeding taken by virtue of the present Section, by the Commanding Officer of any corps, shall not be discontinued or abated by his death, resignation, or removal from office, but may be carried on by and in the name of his successor in office.

Recovery of sub-
scriptions and fines.

16. If any person belonging or having belonged to a Volunteer Corps neglects or refuses to pay any money subscribed or undertaken by him to be paid towards any of the funds or expenses of said corps, or pay any fine incurred by him, under the rules of the corps, such money or fine shall be recoverable from him with costs in a summary way, on the prosecution of the Commanding Officer before a Stipendiary Magistrate, or one or more Justices of Peace, having jurisdiction where the offence was committed or where the offender may be, and any penalty so recovered shall be paid to the Commanding Officer, and applied by him as part of the general fund of the corps.

Penalty for making
away with supplies.

17. If any person designedly makes away with, sells, pledges, wrongfully destroys, wilfully damages, or negligently loses any thing issued to him as a volunteer, or wrongfully refuses or neglects to deliver up on demand of the Commanding Officer, anything issued to him as a volunteer, the value thereof shall be recoverable from him with costs, with a penalty of not exceeding twenty dollars in the manner prescribed in the foregoing clause.

Penalty for buying
supplies.

18. If any person knowingly buys or takes in exchange from any volunteer, or any person acting on his behalf, or knowingly assists or acts for any volunteer in selling, or has in his possession or keeping without satisfactorily accounting for, any arms, clothing, or appointments, being public property, or property of any Volunteer Corps, or any public stores or ammunition issued for the use of any such corps, he shall be liable to a penalty not exceeding one hundred dollars, with imprisonment for any term not exceeding three months, on conviction of such offence by any Stipendiary Magistrate.

Penalty for dama-
ging butts.

19. If any person wilfully commits any damage to any butt or target belonging to or lawfully used by any Volunteer Corps, or without the leave of the Commanding Officer searches for bullets in or otherwise disturbs the soil forming such butt or target, he shall for every such offence be liable, on prosecution by the Commanding Officer, to a penalty not exceeding twenty dollars.

Recovery of penal-
ties.

20. Any penalty or fine imposed or made recoverable under this Ordinance, may be recovered in a summary way before any Stipendiary Magistrate having jurisdiction within the Colony.

Pensions.

21. Every officer of a volunteer Corps, and every volunteer disabled on actual military service, shall be entitled to a pension of

three hundred dollars per annum for his life; and the widow of such officer or volunteer killed in actual military service shall be entitled to a pension of three hundred dollars per annum during widowhood; every such pension to be a charge on the Public Revenue of the Colony.

A.D. 1869.

22. There shall be paid out of the General Revenue of the Colony to the Commanding Officer of every Volunteer Corps of not less than thirty enrolled members, for the expenses of the said corps, a sum of money to be reckoned as follows:—

Public allowances of money.

- (a.) For every member of the corps who has been certified as an effective member (according to the Regulations of the Volunteer Forces in Great Britain from time to time officially published) an annual sum of five dollars:
- (b.) For every member of the corps who has, in his annual class shooting, attained the rank of "marksman," an annual amount of ten dollars:
- (c.) And on the first establishment of any Volunteer Corps of not less than thirty members, the Governor may grant a sum not exceeding five hundred dollars, for the preliminary expenses of such establishment.

23. The provisions of this Ordinance shall be applicable to any corps now in actual existence and service, and whose services have been regularly accepted prior to the passage of this Ordinance, by the Governor of the Colony, subject to Her Majesty's approval; and the rules of such corps submitted in accordance with this Ordinance for approval of the Governor, are declared binding; and all commissions of officers of such corps provisionally granted or recognized by said Governor, and now existing unrevoked, are by this Ordinance affirmed.

Ordinance applicable to any existing corps.

24. The term "volunteer" shall mean a non-commissioned officer or private belonging to a Volunteer Corps; and the term "corps" shall for the purposes of this Ordinance mean any Battery, Troop of Cavalry, Artillery, or Rifle Company, or any two or more Batteries, Troops, or Companies united for Military purposes; the word "Governor" shall mean the Governor of the Colony of British Columbia, or other the person for the time being lawfully acting as such Governor.

Interpretation of terms.

25. This Ordinance may be cited for all purposes as the "Volunteer Ordinance, 1869."

Short Title.

A.D. 1869.

SCHEDULE.

"I, A. B., do solemnly and sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors, and that I will faithfully serve Her Majesty, Her heirs and successors, in the Colony of British Columbia, for the defence of the same against all Her or Their enemies and opposers whatsoever, according to the conditions of my service."

No. 118.

A.D. 1869. An Ordinance to provide for the maintenance, improvement, and construction of Roads in British Columbia.

AMENDED by No. 140.

[9th March, 1869.]

Preamble.

WHEREAS it is expedient to make better provision for the maintenance, improvement, and construction of Roads in the Colony of British Columbia:—

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Repeals former Acts.

1. From and after the passing of this Ordinance, the "Road Act, 1860," and the "District Road Amendment Act, 1866," of that part of the Colony formerly known as the Colony of Vancouver Island and its Dependencies, shall be and are hereby repealed; save and except as to any taxes accrued, due thereunder, or to any pains, penalties, or forfeitures incurred, or liable to be incurred, under the said Acts.

Road Districts.

2. For the purposes of this Ordinance, the following Road Districts shall be created and established, namely:—

- (1.) Esquimalt Town Road District:
- (2.) Esquimalt and Metchosin Road District:
- (3.) Victoria Road District:
- (4.) Lake and Saanich Road District:
- (5.) Nanaimo Road District:
- (6.) Cowichan Road District:
- (7.) Salt Spring Island Road District:
- (8.) Comox Road District.

and all such Road Districts as shall hereafter be created under the provisions of this Ordinance.

3. The boundaries of the Esquimalt Town Road District shall include that portion of land bounded by Esquimalt Harbour to the North, Royal Bay to the South, Section XI. on the Official Map of the District to the South-east, Sections X. and XXVI. on the said Map to the North-east. A.D. 1869.
Boundaries of Es-
quimalt Town Road
District.

[4. *The boundaries of the Esquimalt and Metchosin Road District shall be those laid down on the Official Map as the boundaries of Esquimalt District, Metchosin District, and Sooke District respectively.* Repealed by No. 140.
[Esquimalt and Met-
chosin.]

5. The boundaries of the Victoria Road District shall be those laid down on the Official Map as the boundaries of the District of Victoria, excluding such portion of that District as is included within the limits of the Municipality of the City of Victoria. Victoria.

[6. *The boundaries of the Lake and Saanich Road Districts shall be those laid down on the Official Map as the boundaries of the Lake District, and North and South Saanich Districts, and Highland District.* Repealed by No. 140.
[Lake and Saanich.]

7. The boundaries of the Nanaimo Road District shall be those laid down on the Official Map as the boundaries of Nanaimo District, and shall include the Districts of Mountain, Cranberry, Cedar, and Douglas, according to the boundaries so laid down as the boundaries of such Districts respectively. Nanaimo.

8. The boundaries of the Cowichan Road District shall be those laid down on the Official Map as the boundaries of the Cowichan District, and shall include the Districts of Shawnigan, Quamichan, Somenos, Chemainus, and Comiaken, according to the boundaries so laid down as the boundaries of such Districts respectively. Cowichan.

9. The boundaries of the Salt Spring Island Road District shall include the whole of the said Island. Salt Spring Island.

10. The boundaries of the Comox Road District shall be the boundaries of the Comox District as laid down on the Official Map of the said District. Comox.

11. The City of Victoria shall also be a Road District, and the annual tax payable within that District, under this Ordinance, shall be assessed, levied, and collected by the Municipal Council of the said city, in the manner by this Ordinance provided, and shall be expended by such Council in the maintenance, construction, and improvements of the streets, side-walks, thoroughfares, bridges, and approaches thereto, and for the purposes of drainage, within the said City Road District, and for no other purposes whatsoever. City of Victoria to
be a Road District.

12. The Governor may, upon petition from two-thirds at least of the residents of any portion of British Columbia, create by Proclamation, published in the Government Gazette, such portion into a Road District, with such boundaries as upon such petition shall seem to him meet; provided, always, that prior to so creating a new Road District upon petition as aforesaid, the Governor shall Governor upon pe-
tition may create
Road Districts ;

A.D. 1869.

cause notice of the receipt and purport of such petition to be published for one month in the Government Gazette.

And may vary and
alter boundaries.

13. The Governor may, upon petition from the residents and land owners, or any portion thereof, in any Road District, either now created or hereafter created under the provisions of this Ordinance, from time to time, by Proclamation, published in the Government Gazette, vary and alter the boundaries of any such District, or subdivide such District into two or more Road Districts, in such manner as upon such petition shall seem to him meet; provided, always, that notice of the receipt and purport of any such petition shall be published for one month in the Government Gazette, prior to final action being taken therein by the Governor.

Repealed by No. 140.
[Who to be assessed,
and amount.]

[14. *Every male person above eighteen years of age resident at the period of assessment as hereinafter described, in any Road District created or which may be created under the provisions of this Ordinance, and every person not resident but possessed of any interest in any real estate in any of the said Road Districts, shall pay an annual tax of the sum of two dollars, and if any person, whether resident or non-resident, shall be possessed of any greater interest in any real estate in any of the said Road Districts than of the extent of ten acres, then every such person shall pay for every additional acre, or portion of an acre, above ten acres, a further annual tax of four cents for each acre or portion of an acre.*]

Compounding by
pre-payment of five
years tax.

15. It shall be lawful for any person liable to assessment for Road purposes under this Ordinance, from time to time or at any time, to compound for the Road Tax which such person shall be required to pay for not exceeding five years from the date of such composition, by prepayment of the amount of Road Tax which may be accruing due during the period of such composition, or any portion thereof, and the Collector shall be and is hereby empowered to receive, and account and give proper acknowledgments for the same, in account with such persons for their Road Tax; but such composition shall not extend to the Road Tax for which any person so compounding may become liable in respect of land acquired subsequently to the date of such composition.

Appointment of
Collectors.

16. The Governor shall from time to time appoint one or more persons to act, during pleasure, as Collector or Collectors in each Road District created under the provisions of this Ordinance, and may require from such person or persons such security as he may think fit; provided, always, that in the City of Victoria Road District the Municipal Council of the City of Victoria, by any officer appointed by them in that behalf, shall be the Collectors.

Their duties.

17. It shall be the duty of the Collector, on or before the first day of May, 1869, and afterwards between the first day of January, and the first day of February in each year, to make out a list of all persons who may be liable to pay Road Tax for the year, within the District or portion of the District for which he acts, including

in such list the names of land owners, as well as the names of persons not land owners, but resident within the District or portion of the District as aforesaid, at the time of the Collector making his assessment, together with the amount of Tax for which each person is liable under the provisions of this Ordinance; and the Collector shall give notice by writing, exhibited and posted up in two or more conspicuous places within his District, and by advertisement in the Government Gazette, of some place within his District or the portion of the District for which he acts, where such list is deposited and can be inspected, and such notice by way of advertisement shall be good and sufficient notice to all persons interested therein, and such list shall be open to inspection by all persons from time to time and at all reasonable hours, free of charge.

A.D. 1869.

[18. *If any person so assessed as aforesaid, shall feel aggrieved by reason of being assessed, or by reason of the amount at which he is assessed, he may, either by himself or by his agent, within one month after the first publication of the notice as aforesaid, appeal against such assessment to any Stipendiary Magistrate, or two Justices of the Peace, who may either confirm, amend, or disallow such assessment, according as the circumstances of the case shall require, and his or their decision shall thereupon be final.*]

Repealed by No. 140.

[Appeal.]

19. On and after the first day of June in the current year, and afterwards on and after the first day of April in each year, the Collector shall collect the Road Tax from each person liable to pay the same within his District, or portion of the District for which he acts, and the Collector shall as soon afterwards as may be, pay over the amount to the Treasurer of the Colony, or to such other person as the Governor may direct, or in the case of the Victoria City Road District, to the Municipal Council of such City.

Times for collection.

20. The Governor, and in case of the Victoria City Road District, the Municipal Council thereof, may allow the Collector such percentage upon the amount of his collection as may seem reasonable and just, not however in any case exceeding ten per cent. upon the gross amount collected in any one year, and the Governor, or Municipal Council respectively, may further allow such additional sum, by way of expenses, as may be necessary and reasonable for the purpose of carrying out the provisions of this Ordinance.

Salary by Corporation to Collector for Victoria City District.

21. The net amount of Road Tax collected in each District, shall be expended from time to time, in such manner as the Governor, or in the Victoria City Road District, as the Municipal Council thereof may direct, within the District in which it has been collected, in the maintenance, improvement, and construction of highways within such District; provided, always, that in the case of the Victoria City Road District, the Road Tax shall be expended as hereinbefore provided.

Taxes expended where collected.

[22. *Any Tax due under the provisions of this Ordinance, which shall not be paid within thirty days of the period when it becomes due, may be recovered*]

Repealed by No. 140. [Taxes how recovered.]

A.D. 1869.

with costs, at the suit or instance of the Collector, in a summary manner, before any Stipendiary Magistrate, or two Justices of the Peace, such amount to be levied by distress upon the goods and chattels, wherever they may be found, of the person liable to pay the said Tax, and for the purposes of this Ordinance all trees and timber, whether severed or unsevered, shall be deemed to be goods and chattels.]

Repealed by No. 140.
[Arrears to bear interest,

[23. *In case of insufficiency of any such distress, the Magistrate or Justices aforesaid, may make an order to cause the amount so adjudged due or then remaining due, together with the costs of proceeding, to be paid within seven days, and thereupon and thenceforth the same shall carry interest at the rate of eighteen per cent. per annum, until paid and satisfied. All orders so made as aforesaid, shall be transmitted to and filed of record with the Land Registry Office.]*

and be registered.]

Short Title.

24. This Ordinance may be cited for all purposes as the "Road Ordinance, 1869."

No. 119.

A.D. 1869.

An Ordinance respecting the practice of Surgery, and for the encouragement of the Study of Anatomy.

[11th March, 1869.]

Preamble.

WHEREAS it is desirable to encourage the Study of Surgery and Anatomy in this Colony:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

What bodies may
become subjects for
dissection.

1. That the body of any person found dead, publicly exposed, or who immediately before death had been supported in and by any Public Hospital receiving pecuniary aid from the Government of this Colony shall, unless the person so dying otherwise directs, be delivered to persons qualified as hereinafter mentioned, for the purposes of dissection. But if such body be claimed within the usual period for interment by bona fide friends or relatives, the body shall be delivered to them; or if the person otherwise directed as aforesaid before death, the body shall be decently interred, as heretofore.

Declares who are en-
titled to receive the
same.

2. The persons qualified to receive such unclaimed bodies, shall be such Medical Practitioners as are duly qualified to practise, and are, at the time of the passing of this Ordinance, or hereafter, shall be actually practising under the provisions of "The Medical Ordinance, 1867," who may require such bodies for dissection, either for their own improvement or the instruction of any Student or Students under them, or to the teachers of Surgery and Anatomy

in any public or private School, College, Society, or Faculty of Medicine or Surgery, that may hereafter be established in this Colony.

A.D. 1869.

3. That the person in charge of any and every such Public Hospital as aforesaid, and the Coroner of each District, shall forward to the Medical Registrar of the Colony the name, age, sex, birthplace (if it can be ascertained), and date of death of all unclaimed bodies given up by them respectively, for dissection under this Ordinance, within one week from the time of giving up such bodies as aforesaid.

Description of unclaimed bodies given up for dissection to be sent to Medical Registrar.

4. It shall be the duty of the said Medical Registrar to enter in a book to be kept for that purpose by him, the name and residence of all Medical Practitioners qualified to receive and desirous of receiving bodies for dissection; and, also, to enter from the Returns forwarded to him by the person or persons in charge of the Public Hospitals, and of the Coroners, in a Register to be kept for that purpose, the name, age, sex, birthplace, and date of death of all persons mentioned in such Returns, with the name and place of residence of the Practitioner to whom the body was delivered as aforesaid.

Medical men entitled to receive bodies, to be registered by the Medical Registrar.

5. That such Returns, Book, and Register shall be open at all reasonable hours for the inspection of any Medical Practitioner who may desire to inspect the same, on payment of a fee of fifty cents for the use of the Medical Registrar.

Provides for reference to Register.

6. That the person or persons in charge of the Public Hospitals as aforesaid, and the Coroners, shall make an impartial distribution of the bodies, in rotation, according to the actual wants of the claimants.

Bodies to be impartially distributed.

7. That on delivery of every such unclaimed body as aforesaid, the person or persons in charge of the Hospital, or the Coroner, as the case may be, shall take from the Medical Practitioner receiving the body a receipt in the Form A. in the Schedule to this Ordinance; and such Practitioner shall pay the sum of ten dollars to the person from whom he receives the body, and take a receipt therefor in the Form B. in the said Schedule; and such sum shall in every case be applied towards the support and maintenance of the Public Hospitals in the Colony.

Receipt to be given for body, and fee paid.

8. The Coroner who presides at the Inquest on any body found publicly exposed, and unclaimed by bona fide friends or relatives, shall deliver up the body to any Medical Practitioner (on application by him) duly qualified to receive the same under this Ordinance.

Coroner may give unclaimed body to be dissected.

9. That every Medical Practitioner wishing to avail himself of the benefits of this Ordinance shall appear before the Medical Registrar of the Colony, or his deputy, and give security, himself in the sum of one hundred dollars, and two sureties in the sum of

Medical Practitioners availing themselves of this Ordinance, to give security to Medical Registrar.

A.D. 1869.

fifty dollars each, for the decent interment of the bodies after they have served the purposes required.

Short Title.

10. This Ordinance may be cited for all purposes as the "Anatomy Ordinance, 1869."

SCHEDULE.

FORM A.

Received from [*Coroner or the person, &c., &c.,*] the body of [*name, age, sex, &c., &c.,*] for the purpose of dissection and anatomical instruction.

Dated the day of , A. D. 18 .

Witness,

FORM B.

Received of [*Medical Practitioner's name*] the sum of dollars, for the body of [*name, age, sex, &c., &c.,*] and I hereby certify that the said body has not been claimed by bona fide friends or relatives.

Dated the day of , A. D. 18 .

Witness,

No. 120.

A.D. 1869.

An Ordinance to amend the procedure in Civil Cases.

[9th March, 1869.]

Preamble.

WHEREAS it is expedient to amend the procedure of the Superior Courts of this Colony in Civil Cases:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

W. I. Civil Procedure
Act repealed, saving
existing rights.

1. The "Vancouver Island Civil Procedure Act, 1861," is hereby repealed; provided, however, that such repeal shall not invalidate or affect any acts, matters, or things done, or any proceedings taken, or any rights acquired thereunder.

Common Law Pro-

2. "The Common Law Procedure Act, 1852," "The Common
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Law Procedure Act, 1854," "The Common Law Procedure Act, 1860," and the Rules of Practice and Pleading made in pursuance of the said Acts, or either of them, shall as far as the adoption of the same is practicable, and subject to the provisions hereinafter contained, regulate the practice and procedure of each and every of the Superior Courts of this Colony in all actions and proceedings at law.

A.D. 1869.

cedure Acts, 1852, 1854, and 1860, and rules and practice thereunder to regulate procedure of Supreme Courts.

3. The Sections from 104 to 115, both inclusive, of "The Common Law Procedure Act, 1852," shall not apply.

Sections 104 to 115 repealed.

4. The several Statutory Enactments regulating the practice, pleadings, and procedure of the High Court of Chancery, in force on the 14th day of February, 1860, and the several Orders and Regulations in force in the said High Court on the said 14th day of February, 1860, shall, as far as practicable, regulate the proceedings of the said Courts and each of them sitting in Equity.

Rules of Practice in Chancery.

5. The Judge of either of the said Courts may, from time to time, with the approval of the Governor for the time being, make and publish General Orders for modifying such procedure at Law or in Equity, in the Court in which he presides.

Alteration of Rules may be modified in certain cases.

6. This Ordinance may be cited for all purposes as the "Civil Procedure Ordinance, 1869."

Short Title.

No. 121.

An Ordinance to enable the Municipal Council of the City of Victoria to establish a permanent fund for the support of the Fire Establishments of the said City.

A.D. 1869.

AMENDED by No. 154

[13th March, 1869.]

WHEREAS it is expedient that a permanent fund should be raised for the support of the Fire Establishments of the City of Victoria, and that the Mayor and Council of the said City should be empowered to levy a rate for that purpose, in addition to the powers of taxation conferred under the "Victoria Municipal Ordinance, 1867."

Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. There shall be raised, levied, and collected, in each and every year, during the continuance of an efficient Fire Establishment, upon or in respect of each building or erection within the limits of the City of Victoria, except as hereinafter provided, a rate not

Levy of Fire Rates.

A.D. 1869.

exceeding one-quarter of one per cent. on the value thereof, as laid down on the Municipal Assessment Roll of the said City, for the year next preceding the annual levy.

By whom payable.

2. Such rate shall, in the first place, be paid and payable by the tenant or occupier of any such erection or building, and in case such building or erection is vacant, or if such tenant or occupier shall neglect or fail to pay such rate when due, then by the owner of the land on which any such building or erection shall be situate; and when paid, the amount paid with interest thereon at twelve per cent. per annum shall be recoverable by such owner from the owner or occupier of such building or erection, by distress, or otherwise, in like manner as if the amount due were owing for rent in arrear. Provided, always, that no rate shall be levied, collected, or paid on or in respect of any building or erection on which a substantial insurance against loss or damage by fire is in existence to one-half of the assessed value of the building or erection, if such insurance be effected by or through an office having an Agent carrying on business within the limits of the said City of Victoria: nor upon any place of public worship; nor upon any buildings used for Government, Public, or Charitable purposes.

Exceptions.

Rate on Insurance Companies.

3. There shall be levied and collected upon and from all Agents of Fire Insurance Companies, who shall be carrying on business within the limits of the said City of Victoria, an annual rate not exceeding one-eighth of one per cent. upon the amount of insurance upon all real and personal property situate within the limits of the said City of Victoria, insured by them respectively, within the year next preceding the 31st day of December, immediately preceding the declaration of such rate.

Compulsory Returns of property insured.

4. All Agents of Fire Insurance Companies shall, in the month of January in each year, make a return to the Clerk of the Municipal Council of the City of Victoria, at the Council Chambers, in the form marked B. in the Schedule hereto, of all real and personal property situate within the limits of the said City of Victoria, insured by them respectively, within the year next preceding the 31st day of December then last past, and the amount of insurance thereon respectively; and shall within three months after the passing and publication of this Ordinance, make a like return to the said Clerk of all such insurances effected by them respectively, within the year next preceding the 31st day of December, 1868; and if no such return be made, the said Mayor and Council shall determine the amount to which they shall be respectively liable to pay; and every Agent who shall fail to make such return shall incur a penalty not exceeding one hundred dollars.

Rates when due and payable.

5. All rates declared under this Ordinance, shall be deemed to be due on the 1st day of April in each year, and be paid to the

Clerk of the said Council, in equal quarterly payments, at the Council Chambers in the City of Victoria, or to a Collector duly appointed, who shall keep an account thereof, and the same shall be paid into some Chartered or Colonial Bank carrying on business within the said City of Victoria.

A.D. 1869.

6. All rates to be levied under the authority of this Ordinance shall be paid quarterly, and if not paid within thirty days after the times they shall respectively become payable, a sum equal to five per cent. upon the amount payable shall be levied, collected, and paid, in addition to the amount so payable; and if the amounts so payable be not paid within an additional period of thirty days, the amount so payable, with costs, shall be recovered in a summary way before any Justice of the Peace.

How recoverable.

7. The sum to be raised by virtue of this Ordinance shall not exceed the annual sum of three thousand dollars.

Limit of total rate.

8. An account of all moneys raised by virtue of this Ordinance shall be kept by the said Clerk in a separate book, and such book shall be open at all times for the Managing Committee or Delegates of the several Fire Companies of the City of Victoria aforesaid; and all moneys raised by virtue of this Ordinance shall be paid over in the first week of the months of January, April, July, and October, to the Managing Committee of the said Companies, to be applied for the efficient maintenance and support of the said Companies.

Accounts to be kept by Corporation.

Moneys to be paid over to Fire Companies.

9. The "Victoria Municipal Ordinance, 1867," save so far as the same may be repugnant to this Ordinance, shall be deemed to be incorporated in and form part of this Ordinance.

Victoria Municipal Ordinance incorporated with this Ordinance.

10. Words importing the singular number or masculine gender only, shall be understood to include several matters as well as one matter, and several persons as well as one person, and bodies corporate as well as individuals, and females as well as males, and words importing the plural number shall be understood to apply to one matter as well as more than one, unless such construction shall be repugnant to the context.

Interpretation Clause.

11. This Ordinance may be cited for all purposes as "The Short Title. Fire Companies' Aid Ordinance, 1869."

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SCHEDULE B.

Name of Company and Agent.	Description of Property insured.	Amount insured.

I, _____, hereby declare the above Return to be a faithful and true Return of all Real and Personal Property situate within the City of Victoria, insured by me within the year next preceding the 31st day of December, now last past.

(Signature)

No. 122.

A.D. 1869.

An Ordinance to establish Public Schools throughout the Colony of British Columbia.

AMENDED by
No. 132.

[13th March, 1869.]

Preamble.

WHEREAS it is necessary to establish an uniform system of Public Education throughout the Colony :

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Common School Act
1865, repealed.

1. "The Common School Act, 1865," of the former Colony of Vancouver Island, is hereby repealed.

Power to Governor
in Council to create
School Districts,
apportion School
grant, and make
Rules for the man-
agement of Schools.

2. It shall be lawful for the Governor in Council from time to time,—

- (a.) To describe School Districts, to define the boundaries thereof, and from time to time repeal, alter, or amend the same;
- (b.) To hear and determine all applications for grants of public money for the assistance of Common Schools, and to apportion, as may be deemed most useful, the sum or sums of money granted by the Legislature for that purpose; provided, always, that the assistance granted to any School Teacher shall not exceed five hundred dollars per annum :
- (c.) To appoint Teachers to Common Schools, and upon good cause shewn, to remove the same, or appoint others in their stead:

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- (d.) To provide for the examination of Common School Teachers, as well as regards efficiency as character:
- (e.) To provide that the text books used in Common Schools be of a proper and non-sectarian character:
- (f.) To provide for the visitation and inspection of Common Schools when deemed necessary, and for hearing and determining all complaints relating to the management, arrangement, and maintenance of Common Schools, and for the public grants made under this Ordinance being properly applied; provided, always, that the expenses of any such visitation and inspection shall not be borne by the School funds:
- (g.) To make Regulations for due Returns being made of the Receipts and Expenditures of Common Schools, and generally for all such information as may be deemed necessary:
- (h.) To take charge of all Lands and Buildings set apart for general School purposes, and applicable therefor, however acquired, whether by original reservation by the Government or otherwise, and administer the same for the purposes of this Ordinance:
- (i.) To make Rules and Regulations for the management and government of Common Schools:
- (j.) To provide for the establishment and election of Local Boards, as hereinafter provided.

3. No School District shall be created unless the following conditions are complied with, namely:—

Petitions from residents required.

- (a.) A petition shall be addressed to the Governor, signed by at least two-thirds of the resident householders of the District, praying to have the same converted into a School District:
- (b.) The said petition shall set forth the number of children between the ages of 5 and 18 years who will be able to attend the proposed School; and also the number of children below the age of 5 years; and also the number and names of the residents in the District above the age of 21 years, and the amount to be contributed by them towards the support of a School Teacher and School-house.

4. Provided, always, that the Governor in Council shall not require any such petition from any present School District, and shall have power, if he think fit, to refuse to create any School District where the number of children likely to attend School does not exceed twelve in number, or where the amount likely to be collected shall not exceed three hundred dollars per annum for the School Teacher; but provided, further, that nothing in this section shall prevent the Governor in Council granting assistance to Districts not containing inhabitants enough to warrant their

Power to dispense with petition, &c.

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being converted into School Districts, in accordance with this Ordinance.

Election of Local
Boards.

5. Upon the receipt of such petition as aforesaid, from any District, the Governor in Council may order the election of a Local Board therein, to consist of not less than three persons, who shall be elected annually, during the first week in October in each year, at a Public Meeting (of which seven days' notice shall be given by the Chairman of the then existing Board) of the residents of the District; provided, however, that the first election under this Ordinance may take place at any time appointed by the Governor; and provided, further, that the Municipal Council of the City of Victoria, and of the City of New Westminster, and the Council of any Municipality hereafter created, shall be and are hereby constituted the Local Board for the City of Victoria, and of New Westminster, and of any Town created as aforesaid, respectively, or any extension of their limits for the purpose of this Ordinance, and shall have and may exercise all the powers vested in Local Boards by this Ordinance, without any special election or special meetings for the purposes of this Ordinance.

Duties of Local
Boards.

6. It shall be the duty of the Local Board:—

- (1.) To appoint one of themselves, or some other person to be Secretary and Treasurer, for the correct recording of all proceedings, and the safe keeping of all papers and moneys:
- (2.) To have the safe custody of all School property within the District:
- (3.) To do whatever they may judge expedient with regard to the maintenance, repair, and furnishing of School premises, and to have the general management of the Schools, subject to the Rules and Regulations of the Governor in Council:
- (4.) To call a Special Meeting (of which a member of the Local Board shall be Chairman) of the [*freeholders and resident householders*] of the District, as early as may be in each year, (and of which Meeting seven days' notice shall be given in as public a manner as possible), to determine whether to apply for a grant in aid of Educational purposes as hereinafter provided, and to decide in what manner the balance (if any) of moneys required for the purposes aforesaid, and for which the said grants may not prove sufficient for the current year shall be raised, whether by voluntary subscription, tuition fees, or general rate as hereinafter mentioned, and to fix the amount of such tuition fee; provided, always, that such tuition fee shall not exceed two dollars per month for each Scholar:
- (5.) In their discretion, to exempt from the payment of tuition fees, wholly or in part, any indigent person:

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—

- (6.) To demand, receive, and account for all moneys to be collected by rate bill from the parents, or by subscription, or otherwise, from the inhabitants of the District, and to use all lawful ways and means for the collection thereof; and to pay to the School Teacher the sum guaranteed to him by the Local Board:
 - (7.) To permit all residents in the School Districts, between the ages of five and eighteen years, to attend the School, so long as they conduct themselves in conformity with the Rules of such School, and the fees or rates (if any) required to be paid on their behalf are fully discharged:
 - (8.) To transmit, before the 31st December in each year, a Report of the condition of the Schools within the District, together with a statement of all receipts and expenditure for School purposes, to the Governor in Council:
 - (9.) To make application to the Governor in Council for a grant of the public money, if required, to aid the establishment or maintenance of a Common School, stating in such application the number of children between the ages of five and eighteen years resident in the District; the number of pupils likely to attend School, and how many thereof will be able to pay School Fees if required; the mode or manner adopted for the support of the School and School Teacher; the amount likely to be collected; the guarantees for its collection; the amount to be paid to the School Teacher; the sum reserved for furnishing and keeping in order and repair the School premises; and generally all such information as may be required by the Governor in Council:
 - (10.) To demand, receive, and account for all moneys collected or payable under any By-Law as aforesaid from the residents of the District, or received from the parents or guardians of children.
7. If, at the before mentioned Annual Meeting of the [*freeholders and resident householders*] it shall be determined by a vote of two-thirds of the number present to levy a tax in lieu of charging tuition fees, the Local Board shall have power, and the same is hereby granted, to pass a By-Law for levying and collecting a tax not exceeding two dollars per head per annum upon all resident householders and male residents above the age of twenty years, in the District. Power to Local Board to levy a tax.
8. Every By-Law, when approved of by the Governor, shall have the force of Law, and any person liable to pay any tax made payable thereunder, and refusing to pay the same within seven days after the same shall have become due, may be summoned, at the instance of the Local Board, to appear before the nearest Justice of Power to enforce payment of tax.

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the Peace, who shall have power to act summarily in the matter, and adjudge the amount of the said tax, and such costs (to be levied, if necessary, by distress of goods and chattels of the person refusing to pay) as he may think reasonable.

Repeal or amendment of By-Law.

9. Every such By-Law shall be in force until repealed or amended by succeeding Local Board, but no such amended By-Law or repeal thereof shall take effect until approved of by the Governor.

Power to refer By-Law to residents of District.

10. The Governor shall have power, before assenting or refusing to assent to any By-Law, to refer, if he think fit, the same to the residents of the District for their approval or the contrary, and to order their votes to be taken in that behalf.

Disposal of Common School grant.

11. Upon the receipt of a proper application from the Local Board of any School District, or from the inhabitants of any District, the Governor in Council may, after having taken into consideration such application, appropriate out of the Public School Fund a sum not in any case to exceed five hundred dollars per annum, for the purpose of assisting the payment of a Salary to a School Teacher, and also, if necessary, a further sum to aid in defraying the expense of erecting a School-house or of renting a building or room suitable for the purpose of a Common School, and to order the payment of such sum at such times and in such manner as may be deemed advisable or necessary; provided, always, that such grants shall not be made until the Local Board shall have given satisfactory evidence that the portion promised by the Local Board for the payment of a School Teacher, the erection of Buildings, and furnishing and maintenance of the School has been collected and paid, or reasonably secured.

Clergy may visit.

12. It shall be lawful for every Clergyman and Minister of any denomination, at such times, before and after the regular school hours, as shall be approved by the Governor in Council, to visit the Public School of the District in which such Clergyman or Minister is resident or officiates, and impart such religious instruction as he may think proper to the children of his denomination.

Short Title.

13. This Ordinance may be cited for all purposes as "The Common School Ordinance, 1869."

No. 123.

An Ordinance to facilitate the working of Mineral Lands.

A.D. 1869.

[10th March, 1869.]

WHEREAS it is expedient to develop the resources of the Colony Preamble.
 by affording facilities for the effectual working of Silver,
 Lead, Tin, Copper, Coal, and other Minerals, other than Gold:

Be it enacted by the Governor of British Columbia, with the
 advice and consent of the Legislative Council thereof, as follows:—

1. From and after the proclamation in this Colony of Her Majesty's assent to this Ordinance, every person, or association, or company of persons whomsoever, shall be free to enter and explore for silver and all the baser metals and minerals, including coal, in and under the mineral lands hereinafter defined, subject nevertheless to the provisions and conditions of this Ordinance, and any other regulations affecting the acquisition and tenure thereof, which may from time to time hereafter be prescribed by law. After Queen's assent to Act, all mineral lands open for mining.

2. Every person, association of persons, or company, desirous of acquiring a mine or mining claim under this Ordinance, shall, before entering into possession of the particular part of the said mineral lands he or they may wish to acquire and work for minerals, make application in writing to the Assistant Commissioner of Lands and Works for the District within which the land required is situate, for a Prospecting Licence over such land, for any term not exceeding two years from the date of such application. Prospecting Licence for two years.

3. Every such applicant shall give to such Assistant Commissioner the best practicable written description of the plot of land over which the privilege is sought, after having located the same, together with a proper plan or diagram thereof shewing the position of the boundary posts to be set up by the applicant in and upon the land, and by stating in the description any other landmarks of a noticeable character; and such application and plans shall be in duplicate, one of which shall be filed of record in the office of the Assistant Commissioner at the time of its being received by him, and the other transmitted forthwith by the said Assistant Commissioner to the Chief Commissioner of Lands and Works, and retained by him for general reference. Applicant to send place and description to Land Office.

4. Every piece of land sought to be acquired under the provisions of this Ordinance shall, save as hereinafter mentioned, be of a rectangular shape, and the shortest line thereof shall be at least two-thirds the length of the longest line. Shape of land.

5. Where the land sought to be acquired is in whole or in part Natural boundaries

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—
may be adopted in
certain cases.

bounded by mountains, rocks, lakes, swamps, or the margin of a river, or by other natural boundaries, then such natural boundaries may be adopted as the boundaries of the land sought to be acquired, and in such case it shall be sufficient for the claimant to show to the satisfaction of the Assistant Commissioner of the District that the said form conforms as nearly as circumstances permit to the provisions of this Ordinance.

Lines of adjacent
claims may be
adopted.

6. If the land sought to be acquired be bounded by land already held under this Ordinance, the line of such land may be adopted by the person so seeking to acquire, notwithstanding any irregularity in such line, which may have been occasioned by the adoption of a natural boundary by the claimant of the adjacent land.

Enclosed spaces may
be adopted, notwith-
standing any irregu-
larity of shape.

7. Where a piece of land is partially or entirely enclosed between two or more claims, the claimant may acquire such enclosed piece, notwithstanding any irregularity of form or disproportion in length of any of the sides.

Application for
Prospecting Li-
cence.

8. No applicant shall be entitled to receive a Prospecting Licence until he shall have proved to the satisfaction of the said Assistant Commissioner, that before making such application he has caused a written or printed notice of his intention to apply for such a licence to be posted on some conspicuous part of the land applied for by him, and of any adjacent (if any) sett or mining claim, and on the Court House of the District (if any) for fourteen clear days, or if the ground applied for, or any part thereof, has been previously recorded then for one calendar month previous to his application, and that no valid opposition to his claim has been substantiated before the said Assistant Commissioner, as hereinafter mentioned.

On proof of requi-
sites, Prospecting
Licence to issue.

9. Such Assistant Commissioner is hereby empowered and required, upon receiving satisfactory proof of the said applicant having complied with the preliminary requirements in that behalf hereinbefore contained, to grant to such applicant a Prospecting Licence as aforesaid.

Extension thereof.

10. Every applicant, upon proving to the satisfaction of such Assistant Commissioner that he has bona fide explored and worked for coal (or other minerals, as the case may be) during the said term of two years, shall be entitled to an extension of the said term for the second period of one year, and such further time as the Governor shall think fit.

Quantity of Land
included in Licence.

11. A Prospecting Licence may include within the general limits therein defined, the following quantities of mineral land, that is to say:—

- (1.) In the case of a Prospecting Licence for coal alone, not exceeding five hundred acres to each individual applicant, or two thousand five hundred acres to any Association or Company consisting of not less than ten persons:

- (2.) In the case of a Prospecting Licence for any other minerals than coal or gold, not exceeding one hundred acres to each individual applicant, or five hundred acres to any Association or Company consisting of not less than ten persons.

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Out of the above lands the Licensee may, at or before the expiration of such Licence, or of any prolongation thereof, select for purchase the portion of mineral land to be included in a Crown Grant, as hereinafter mentioned.

Licensee may select land for Crown Grant.

12. Such Licence may be in the Form marked A. or B. (as the case may be) in the Schedule hereto (which Schedule is hereby made part of this Ordinance), and shall include full and exclusive power and authority to search for, raise, get, make merchantable, and sell for the use of the Licensee, all metals and minerals in such Licence specified, and none other, within the prescribed limits, to make and erect the necessary roads, works and buildings, for profitably or conveniently carrying on the mining operations therein; with a power to the Licensee, at or before the expiration of such Licence, or any prolongation thereof, upon compliance with the terms and conditions in this Ordinance contained, to claim a Crown Grant of such portion of the mineral land included in his Licence, as is hereinafter in that behalf more particularly described.

Powers of Licence.

13. The interest of every Licensee under this Ordinance shall be deemed to have absolutely ceased and determined on the expiration or other sooner determination of his Licence, or any prolongation thereof, unless he shall have prior to such expiration or determination made application for a Crown Grant, as herein provided; and on such expiration or determination a new Prospecting Licence over the same mineral land, or any part thereof, may be made to any new applicant entering into possession, and complying with the requirements of this Ordinance.

On expiry of licence land open to new comers.

14. Every person, association, or company, lawfully holding a Prospecting Licence under this Ordinance, and complying with its provisions, shall, until the determination of such his or their holding, and for the purpose of more effectually carrying on mining operations on the premises, be entitled to the free use, without compensation, of a reasonable quantity of any unoccupied and unappropriated stone, sand, lime, and timber which may be on the premises included in such Licence, and may erect such buildings and machinery, and make and use such roads and works, within such limits, as he shall find necessary for the profitable conduct of his or their mining operations.

Licensee may use stone, sand, lime, and timber.

15. In case of any dispute, the right or title to or in a Prospecting Licence, and the possession of any claim or privilege under this Ordinance, will be recognized according to the priority of record or registration with the Assistant Commissioner, subject to any question which may be raised as to the validity of the record itself.

Priority of record
Priority of right.

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Quantity of land in
Crown Grant.

Coal.

16. The quantity of mineral land for coal mining to be granted to any Licensee duly applying for a Crown Grant, and fulfilling the conditions hereinafter in that behalf more particularly mentioned, will be for each association or company of ten or more persons not exceeding one thousand acres, selected out of the premises included in such Licence.

Prospecting Licence
to include right of
road or railway to
sea.

17. It shall be lawful for the Chief Commissioner of Lands and Works and Surveyor General, upon proof to his satisfaction of the necessity of such grant, and upon approval by him of the plan and sections of the proposed works, which must be submitted to him, and with the sanction of the Governor, to give to any person, association, or company holding a Prospecting Licence or Crown Grant under this Ordinance, by any writing under the hand of such Commissioner, a right of way for a road, canal, or railway from his mining claim to the sea shore, or other line of communication, for any purpose connected with such Licensee's or Grantee's mining operations, with full power, by himself or themselves, his or their agents, servants, and workmen, and with and without horses, cattle, boats, waggons, carriages, or other conveyances, to enter upon, across, and into any lands or waters between the premises included in such Licence or Crown Grant and such shore, river, or other line of communication, upon paying reasonable compensation to the owner of such intermediate land for the portions so taken, or for the use so made.

Compensation to
parties affected.Amount how deter-
mined.

18. The amount, time, and manner of such compensation, and the mode of distribution thereof among the parties claiming to be entitled thereto, shall, upon the application of either party, be fixed by the Assistant Commissioner of the District, and at his discretion, either with or without a jury consisting of not less than three nor more than five persons, which he is hereby empowered to summon for the purpose.

Commissioner's cer-
tificate of amount
final.

19. The decision of such Assistant Commissioner or jury (as the case may be) certified under the hand and seal of such Commissioner shall be final and without appeal; and every such certificate shall be prima facie evidence, for all purposes whatsoever, of all the matters and things therein contained, in all Courts of the Colony.

Saving of right to
make any public
roads over lands
derived from the
Crown.

20. Provided that nothing herein contained shall be deemed or taken to limit or affect the right of the said Chief Commissioner, acting on behalf of the Crown, to lay out and make public highways in or over such intermediate lands or waters aforesaid, or other lands, whenever it shall be deemed for the public interest to create, alter, or maintain public highways, or to vary the same, through lands derived from the Crown.

Other minerals.

21. The quantity of mineral land to be granted for mining for all metals and minerals, other than coal and gold, to any Licensee

duly applying for a Crown Grant, and fulfilling the conditions hereinafter in that behalf more particularly mentioned, shall, for each individual applicant, not exceed three chains long by two chains wide; and for each association or company of ten persons shall not exceed thirty chains long by six chains wide.

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22. Before any such Crown Grant shall issue, the Licensee applying for the same shall:—

Preliminaries to Crown Grant.

- (a.) Leave with the said Assistant Commissioner of Lands and Works, and post on a conspicuous part of the premises sought for, and on the Court House of the said District, if any, for at least two calendar months previous to the record of his application for such Crown Grant, and prior to the expiration of the term included in his Licence, or any prolongation thereof, a notice of his intention to apply for such Crown Grant, with a diagram of the premises; and shall, for the same space, publish such notice in the Government Gazette and a newspaper published nearest to the said mine and premises:
- (b.) The said Assistant Commissioner shall thereupon post such notice in his office for a period of two calendar months:
- (c.) The said Assistant Commissioner shall (if no adverse claim be filed with him, or if filed shall have been finally decided) give a certificate to such Licensee to that effect:
- (d.) Upon the application of the Licensee, and delivery of such certificate, the Chief Commissioner of Lands and Works and Surveyor General shall, upon payment to him by the said applicant of such amounts as the said Chief Commissioner may estimate as the probable cost of surveying such premises, cause a survey and plan thereof to be made, to be endorsed with his approval, designating such land by its number on the official records, with the estimated value of the improvements and labour expended on the said land.

23. Upon proof, satisfactory to the said Chief Commissioner, of compliance with the foregoing provisions, and payment of the amounts next hereinafter in that behalf prescribed, together with the balance (if any) remaining unpaid of the actual cost of survey, a Crown Grant shall be issued by the said Chief Commissioner to the Licensee applying for the same.

Issue of Crown Grant.

24. For COAL LANDS the price shall be as follows—

For any quantity up to and including one thousand acres, at the rate of five dollars per acre; provided that on proof, to the satisfaction of Government, that ten thousand dollars has been beneficially expended on any land held under Prospecting Licence for coal, a grant of one thousand acres of the land included in such Prospecting Licence shall be issued

Price of land containing Coal.

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to the company holding such Prospecting Licence, without payment of the upset price of such land.

Other minerals.

25. For MINERAL LANDS containing other than coal and gold, the price shall be as follows:—

For any quantity of land not exceeding three chains long by two chains wide, the sum of one hundred dollars, together with the costs of survey; for any quantity of land not exceeding thirty chains long by six chains wide, in the case of a company of not less than ten persons, the sum of two hundred and fifty dollars, together with the costs of survey.

Remission of price
on proof of effectual
work for baser
minerals.

26. Upon proof satisfactory to the Chief Commissioner of Lands and Works and Surveyor General, or other the person appointed for the time being in that behalf by the Governor, and a certificate in writing from such Commissioner or other person to the effect that any Licensee or Licensees applying for a Crown Grant has expended in bona fide mining for minerals, other than coal and gold in and under the sett or mining claim for a grant of which he is applying, to the extent of not less in any case than one thousand dollars, or (if an association or company of three or more persons) of not less than five thousand dollars, it shall be lawful for a Crown Grant to issue to such person, association, or company, without the payment of any, or of only a portion, of the upset price herein fixed for the land to be included in such grant, should the Governor in his discretion so determine.

Rectification of
boundaries.

27. Upon the said survey, or at any time before the actual issue of any Crown Grant under this Ordinance, it shall be lawful for the Chief Commissioner of Lands and Works and Surveyor General, or his agent, or other person specially authorized by the Governor in writing in that behalf, upon payment of the actual expenses connected therewith, to rectify boundaries and to settle finally, on the spot, any dispute which may from time to time arise as to the actual or proper boundaries between adjacent or conflicting mining claims under this Ordinance. Every such decision, expressed in writing and filed of record in the head Lands and Works Office, with a plan or diagram of the proper boundaries as rectified, shall be final and without appeal, any rule of Law or Equity to the contrary notwithstanding, and shall be evidence in all Courts of the Colony of the several matters and things therein contained.

Adverse claimants.

28. Whenever any adverse claimants to a mine or mining claim, under this Ordinance as aforesaid, (in any other respect than as to boundaries as next hereinbefore mentioned) shall appear before the approval of the survey by the Lands and Works, as hereinbefore mentioned, all proceedings shall be stayed until a final settlement and adjudication in the Courts of competent jurisdiction of the rights of possession to such mine or claim has been obtained, when a Crown Grant may issue as in other cases.

29. The issue of a Crown Grant to any applicant under this Ordinance, save where obtained by fraud or wilful misrepresentation, shall confer and be deemed to confer on the person or persons named therein, an indefeasible and incontestable title in fee simple absolute to all the land specified in such grant, save as hereinafter excepted.

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Crown Grant an indefeasible title.

30. The Assistant Commissioner in every District shall have jurisdiction to hear and determine all cases of dispute between adverse claimants to Prospecting Licenses and Crown Grants under this Ordinance (subject, however, as to rectification and settlement of boundaries, to Clause 27. of this Ordinance); and it shall be lawful for such Assistant Commissioner, and he is hereby required, on the written application of either party to a dispute, to summon a jury, to consist of not less than three nor more than five persons, to decide all questions of fact; and the said Commissioner may award such costs (including the costs of such jury) as he shall deem just and reasonable, and in case of default enforce his judgment by warrant of distress of the goods and chattels of the person so making default. For the purposes of this Ordinance, and to enforce his orders and decisions, the Assistant Commissioner, in addition to the jurisdiction hereby conferred, shall have all the powers, authority, and jurisdiction now by Law possessed by County Court Judges in the Colony.

Assistant Commissioner may decide disputes.

His jurisdiction and powers.

31. In cases of dispute as to the right of possession to any mineral lands, the institution of proceedings therein may be commenced by a claim in the Form marked D. in the Schedule to this Ordinance; and upon the service of such claim on the opposite party, the Assistant Commissioner shall have power to decide thereon (subject to appeal as hereinafter mentioned), with full power to place the party who shall be found entitled into possession of the land in question; and upon proper cause shown to issue and enforce an injunction to abate any intrusion or otherwise pending any proceedings, and to appoint a Receiver if necessary. Provided, always, that either party to any such proceedings may require a jury to be summoned to try any question of fact (other than disputed boundary as hereinbefore mentioned) as in the last clause provided.

Forms for proceedings.

Notice.

Injunction.

Jury.

32. Provided, always, that any person dissatisfied with the decision of such Assistant Commissioner, on matter of Law only and not on matter of fact, may appeal therefrom to the Supreme Court, and no appeal shall be allowed in any case unless notice thereof be given in writing to the opposite party, his Counsel, or Attorney, within four days after the decision complained of, and also security be given, to the approval of the Assistant Commissioner, for the costs of the appeal, and the amount (if any) payable under the judgment, and to abide by any decision under such judgment; and the said Supreme Court may make such order as it shall think fit;

Appeal to Supreme Court.

A.D. 1869.

and such appeal may be in the form of a case settled and signed by the parties, their Counsel, or Attorneys.

On certificate of decision of dispute, claim for Crown Grant may proceed.

33. A certificate of every decision of an Assistant Commissioner shall be filed by him in his office, and a duplicate thereof transmitted to the head office of the Lands and Works; and the service of the final judgment or order of the Assistant Commissioner, or the Supreme Court (as the case may be) in any case of disputed claim to a Crown Grant, or an office copy of such judgment or order, shall authorize such Commissioner and other the proper authorities in that behalf to proceed with the issue of a Crown Grant, as in ordinary cases.

Amendment of proceedings.

34. No proceedings, process, notice, decision, or judgment under this Ordinance shall be called in question or invalidated by reason only of any informality or irregularity appearing therein or connected therewith; and every Assistant Commissioner and Judge of the Supreme Court shall have full power to make any amendments in any such proceeding (subject to such costs and terms as he shall think fit) as may be deemed necessary to prevent the failure of justice, by reason of mistakes and objections of form.

Rights of Crown reserved.

35. Nothing in this Ordinance contained, shall be deemed or taken in any way to limit or affect the rights of Her Majesty, Her heirs and successors in or to the Crown Lands of the Colony, other than is herein particularly expressed, or to limit or affect the right of the Crown to grant or lease tracts of land for mining purposes, as heretofore, on any special application made in that behalf or special cause shewn, or make reserves for Government purposes or Indian settlements, or roads, bridges, buildings, or other public purposes; or to limit or affect the operation of the "Gold Mining Ordinance, 1867," other than is herein expressed.

No person to record more than one claim.

36. No person, association, or company shall be allowed to record more than one mining claim at one time, but he or they may, by written notice filed with the said Assistant Commissioner, withdraw from any claim for which he or they may have applied; provided, always, that nothing herein contained shall prevent any person being a member of more than one company or association at the same time.

Forfeiture.

37. If any person, association, or company shall apply for and record more than one mining claim hereunder, at the same time, the filing of the last of such applications shall ipso facto forfeit all mining claims previously recorded by the same parties, of which Crown Grants had not been obtained, and all improvements thereon, without compensation. Every forfeiture under this Ordinance shall be absolute, any rule or law to the contrary notwithstanding.

Where no Assistant Commissioner, Chief Commissioner to act.

38. In any mineral lands not included in any particular District of any Assistant Commissioner of Lands and Works under this

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Ordinance, the Chief Commissioner of Lands and Works and Surveyor General shall have all the powers and authorities over such lands, for all the purposes of this Ordinance, as an Assistant Commissioner of Lands and Works would have had hereunder over such lands, had they been specifically included in the particular District of such Assistant Commissioner.

39. It shall be lawful for the Governor, from time to time, by notice published in the Government Gazette, to divide the mineral lands into Districts, for the purpose of this Ordinance, and to define the same, and from time to time, after the like notice, to revoke, alter, or vary the same, as circumstances may appear to require.

Power to Governor
to declare Mining
Districts.

40. The several fees mentioned in the Schedule hereto shall be taken upon the several matters and things set opposite the respective amounts in such Schedule particularly mentioned, and shall be deemed, recovered, and accounted for as part of the General Revenue.

Fees.

41. Nothing herein contained shall be construed to affect the rights of any person or company holding mineral lands under lease, reservation, or grant from the Crown already made, but every such person or company may surrender such rights, and may at once come under the provisions of this Ordinance, and hold such land or such portion thereof as shall not exceed the quantity allowed by this Ordinance, together with all the other privileges secured by such Ordinance.

Existing Lessees
may come in under
this Ordinance.

42. Provided, that this Ordinance shall not take effect until Her Majesty's approval thereof shall have been duly published in this Colony.

Suspending clause.

43. In the construction of this Ordinance, the following expressions shall have the following interpretations respectively, unless there be something inconsistent or repugnant thereto in the context:—

Interpretation
Clause.

The words "Her Majesty" or "The Crown" shall mean Her Majesty, Her heirs and successors:

The word "Governor" shall mean and include any person administering the Government of this Colony:

The terms "Assistant Commissioner," "Chief Commissioner," shall mean Assistant Commissioner of Lands and Works, and Chief Commissioner of Lands and Works and Surveyor General, respectively, and shall also include any other persons appointed by the Governor to act in lieu of those Officers respectively, for the purposes of this Ordinance:

The word "Mine" shall mean any locality in which any vein, lode, or stratum, or natural bed of silver or other mineral than gold, including coal, shall be mined; and the verb "to mine" shall include any mode or method whatsoever of

A.D. 1869.

working the same for the purpose of obtaining the ore, mineral, or metal therefrom:

“Mining Claim” shall mean and include the interest acquired, or sought to be acquired, in any mineral lands under this Ordinance:

“Mineral Lands,” for the purposes of this Ordinance, shall mean and include all waste lands of the Crown in the Mainland of the Colony of British Columbia, including Queen Charlotte’s Island, and such other portion or portions of the said Colony as shall hereafter be brought under the provisions of this Ordinance, by any Proclamation or Proclamations by the Governor in that behalf, and which lands shall be available for mining purposes, and whether surveyed or unsurveyed, in which lodes, veins, beds, or strata of silver, tin, copper, lead, coal, iron, cinnabar, or other metal or mineral other than gold, and whether discovered or hidden, are now or hereafter shall be found in place, and not for the time being occupied by any other person, or in any way reserved, or the site of an existent or proposed town, or within one hundred yards of any messuage, orchard, garden, or ornamental grounds.

Short Title.

44. This Ordinance may be cited for all purposes as the “Mineral Ordinance, 1869.”

SCHEDULE TO WHICH THE FOREGOING ACT REFERS.

FORM A.

[Royal Arms.]

BRITISH COLUMBIA.

Mining Licence issued under the “Mineral Ordinance, 1869.”

—————District.

Date —————

THIS IS TO CERTIFY that _____ of _____, has by this Licence exclusive authority to enter, prospect, search for, and work for Coal (but no other metal or mineral) upon, in, and under all that piece or parcel of mineral land in this District, within the following boundaries :—

not exceeding in the whole _____ statute acres, together with all the rights and privileges granted under the “Mineral Ordinance, 1869,” and also a right to claim a Crown Grant of so much of the said mineral lands as is pre-

scribed in that behalf under or by virtue of the said Ordinance, and subject and according to the provisions thereof.

A.D. 1869.

This Licence will continue in force for two years from the date hereof.

Given under my hand, at _____, this _____ day of _____.

*Assistant (or Chief, as the case may be,) Commissioner
of Lands and Works.*

FORM B.

[Royal Arms.]

BRITISH COLUMBIA.

Mining Licence issued under the "Mineral Ordinance, 1869."

_____ District

Date _____

THIS IS TO CERTIFY that _____, has by this Licence exclusive authority to enter, prospect, search for, and work, for Silver, Tin, Copper, Cinnabar, Lead, Iron, and all other metals and minerals other than coal and gold, upon, in, and under all that piece or parcel of mineral land in this District, within the following boundaries :—

not exceeding in the whole _____ statute acres, together with all the rights and privileges granted under the "Mineral Ordinance, 1869," and also a right to claim a Crown Grant of so much of the said mineral lands as is prescribed in that behalf under or by virtue of the said Ordinance, and subject and according to the provisions thereof.

This Licence will continue in force for two years from the date hereof.

Given under my hand at _____, this _____ day of _____ 18 ____.

*Assistant (or Chief, as the case may be,) Commissioner
of Lands and Works.*

FORM C.

[Royal Arms.]

"Mineral Ordinance, 1869."

COLONY OF
BRITISH COLUMBIA. }

No.

VICTORIA by the Grace of God of the United Kingdom of Great Britain and Ireland, and of the Colonies and Dependencies thereof in Europe, Asia, Africa, America, and Australasia, Queen, Defender of the Faith, and so forth. To all

to whom these presents shall come greeting, Know ye that We do by these presents, for Us, Our heirs and successors, in consideration of _____ give and grant unto _____ and assigns, All that parcel or lot of land situate _____ and numbered _____ on the official plan or survey of the said _____, in the Colony of British Columbia, To have and to hold the said parcel or lot of land, and all and singular the premises hereby granted, with their appurtenances, unto the said _____ and assigns for ever, subject nevertheless to the provisions of the "Mineral Ordinance, 1869."

Provided nevertheless that it shall at all times be lawful for Us, Our heirs and successors, or for any person or persons acting in that behalf by Our or their authority, to resume any part of the said lands which it may be deemed necessary to resume for making roads, canals, bridges, towing paths, or other works of public utility or convenience, so nevertheless that the lands so to be resumed shall not exceed one twentieth part of the whole of the lands aforesaid, and that no such resumption shall be made of any lands on which any buildings may have been erected, or which may be in use as gardens or otherwise for the more convenient occupation of any such buildings.

Provided nevertheless that it shall at all times be lawful for Us, Our heirs and successors, or for any person or persons acting under Our or their authority, to enter into or upon any part of the said lands, and to raise and get thereout any gold, or ore of gold, which may be thereupon or thereunder situate, and to use and enjoy any and every part of the same land, and of the easements and privileges thereunto belonging, for the purpose of raising and getting, and every other purpose connected therewith, paying in respect of such raising, getting, and use, reasonable compensation.

Provided nevertheless that it shall be lawful for any person duly authorized in that behalf by Us, Our heirs and successors, to take and occupy such water privileges, and to have and enjoy such rights of carrying water over, through, or under any parts of the hereditaments hereby granted, as may be reasonably required for mining or agricultural purposes in the vicinity of the said hereditaments, paying therefor a reasonable compensation to the aforesaid , heirs or [successors or]

In testimony whereof We have caused these Our letters to be made patent,
and the great seal of Our Colony of British Columbia to be hereunto
affixed. Witness Our right trusty and well beloved
Governor of Our Colony of British Columbia, and Vice-Admiral of the
the same, &c., &c., at Our Government House, at _____, in Our
Colony of British Columbia, this _____ day of _____, in the
year of Our Lord one thousand eight hundred and _____, and in
the _____ year of Our Reign.

By Command.

FORM D.

VICTORIA by the Grace of God of the United Kingdom of Great Britain and Ireland, and the Colonies and Dependencies thereunto belonging, Queen, Defender of the Faith.

To _____ and all persons entitled to defend the possession
of _____ to the possession of which
some or one of them claim to be entitled under the "Mineral Ordinance, 1869."

A.D. 1869.

These are to will and command you, or such of you as deny the alleged
claim, within thirty days after service hereof, to appear
at _____ to defend the said claim, or such part thereof as you
may be advised; in default whereof judgment may be signed, and you turned
out of possession.

Witness _____ at _____ the _____ day of _____ A. D. 18 _____

*Assistant (or Chief, as the case may be) Commissioner
of Lands and Works.*

F E E S.

Upon the record of every application for a Mining Licence, or for a renewal thereof.....	\$ 5 00
Upon the record of every Grant of Mining Licence, or a prolongation thereof.....	5 00
Upon the record of every Crown Grant	25 00
Upon the record of every other matter and thing under this Ordi- nance.....	2 50

No. 124.

An Ordinance respecting the property of Religious Institutions
in the Colony of British Columbia.

A.D. 1869.

[15th March, 1869.]

WHEREAS it is expedient to amalgamate the Local Laws Preamble.
respecting the property of Religious Institutions:

Be it enacted by the Governor of British Columbia, with the
advice and consent of the Legislative Council thereof, as follows:—

1. Where a Religious Society or Congregation of Christians in
the Colony of British Columbia desire to take a conveyance of land
for the site of a church, chapel, meeting house, school, belfry,
burial ground, or residence for the Minister, or for the support of
public worship and the propagation of christian knowledge, such
society or congregation may appoint Trustees, to whom, and their
successors to be appointed in such manner as may be specified in
the Deed of Conveyance, the land requisite for all or any of the

Provides for Religi-
ous Societies hold-
ing land.

A.D. 1869.

purposes aforesaid may be conveyed; and such Trustees and their successors in perpetual succession, by the name expressed in the Deed, may, after the consent of the Governor thereto first had and obtained, take, hold, and possess the land, and maintain and defend actions in Law or Equity for the protection thereof, and of their property therein.

Title Deeds must be registered.

2. But such Trustees shall, within twelve calendar months after the execution of the Deed of Conveyance, cause the Deed to be registered in the office of the Registrar General for that portion of the Colony in which the land included in the Deed is situate, or otherwise the same shall be void.

Property of religious bodies may be mortgaged.

3. When a debt has been, or may hereafter be, contracted for the building, repairing, extending or improving of a church, meeting house, chapel, school, or belfry on land held by Trustees for the benefit of any Religious Society in the Colony of British Columbia, or for the purchase of the land on which the same has been, or is intended to be erected, the Trustees, or a majority of them, may from time to time secure the debt, or any part thereof, by a mortgage upon the land, church, meeting house, chapel, school, or belfry, or may borrow to pay the debt or part thereof, and may secure the repayment of the loan and interest by a like mortgage upon such terms as may be agreed upon.

Trustees may let lands belonging to religious bodies. ;

4. The Grantees in trust named in any letters patent from the Crown, or the survivor or survivors of them, or the Trustees for the time being appointed in manner prescribed in the letters patent or other Deed, whereby lands are granted for the use of a congregation or religious body, and any other Trustees for the time being entitled by law to hold lands in trust for the use of a congregation or religious body, may let, for any term not exceeding twenty-one years, lands so held by them for the use of a congregation or religious body, at such rent and upon such terms as the Trustees or a majority of them deem reasonable; and in the lease they may covenant or agree for the renewal thereof at the expiration of any or every term of twenty-one years, for a further term of twenty-one years, or a less period, at such rent and upon such terms as may then by the Trustees for the time being be agreed upon with the lessee, his heirs, executors, administrators or assigns, or may covenant or agree for the payment to the lessee, his executors administrators, or assigns, of the value of any buildings or other improvements which may, at the expiration of any term, be in the demised premises, and the mode of ascertaining the amount of such rent, or the value of such improvements, may also be specified in the original lease.

but not without consent of congregation.

5. But Trustees shall not have the power so to let, without the consent of the congregation or religious body for whose use they hold the land in trust, such consent to be signified by the votes of a majority of the members present at a meeting of the congregation

or religious body duly called for the purpose; nor to let any land, which at the time of making the lease is necessary for the purpose of erecting a church, place of worship, or other building thereon, or for a burial ground for the congregation for whose use the land is held.

A.D. 1869.

6. The Trustees, for the time being, entitled by Law to hold land in trust for a congregation or religious body, may, in their own names or by any name by which they hold the land, sue or distrain for rent in arrear, and take all such means for the recovery thereof as landlords in other cases are entitled to take. Trustees may sue.

7. When land held by Trustees for the use of a congregation or religious body becomes unnecessary to be retained for such use, and it is deemed advantageous to sell the land, the Trustees for the time being may give public notice of an intended sale, specifying the premises to be sold, and the times and terms of sale; and after publication of the notice for four successive weeks in a weekly newspaper published in or near the place where the lands are situated, and in the Government Gazette, may proceed to sell the land at public auction according to the notice, but the Trustees shall not be obliged to complete or carry into effect the sale, if in their judgment an adequate price is not offered for the land, and the Trustees may thereafter proceed to sell the land either by public or private sale; but a less sum shall not be accepted at private sale than was offered at public sale. And before a deed is executed in pursuance of a public or private sale, the congregation or religious body for whose use the lands are held, shall be duly notified thereof and their sanction obtained by Resolution passed at a meeting called for that purpose. Trustees may dispose of property of religious bodies ;

and sanction of congregation obtained thereto.

8. Trustees selling or leasing land under the authority of this Ordinance, shall, on the first Monday in July in every year, have ready and open for the inspection of the congregation or religious body which they represent, and of any Minister thereof, a detailed statement showing all rents which accrued during the preceding year, and all sums of money whatever in their hands for the use and benefit of the congregation or religious body, and which were in any manner derived from the lands under their control or subject to their management, and also showing the application of any portion of the money which has been expended on behalf of the congregation or religious body. Trustees to prepare and submit to congregation a statement of their transactions.

9. The Supreme Court having jurisdiction may, in a summary manner, on complaint upon oath by three members of a congregation or religious body of any misfeasance or misconduct on the part of Trustees in the performance of duties authorized by this Ordinance, call upon the Trustees to give in an account, and may enforce the rendering of such account, the discharge of any duties, and the payment of any money, so that the congregation or reli- Empowers Courts to examine Trustees.

A.D. 1869.

gious body may have the benefit thereof, and the Court may compel the Trustees, in case of any misconduct, to pay the expense of the application, or may award costs to the Trustees in case the application is made on grounds which the Court considers insufficient, or frivolous, or vexatious.

Burial grounds
must be outside of
City limits.

10. Nothing in this Ordinance shall empower any Trustees of any religious body to occupy or use land for burial purposes within the limits of any towns or cities in British Columbia.

Repeals Religious
Institutions proper-
ty Act of V. I.

11. The Bill entitled "A Bill for the passage of an Act respecting the property of Religious Institutions in the Colony of Vancouver Island and its Dependencies," is hereby repealed, but any act done or executed thereunder, shall be deemed to have been duly done and executed, as if done and executed under the provisions of this Ordinance.

Short Title.

12. This Ordinance may be cited for all purposes as the "Religious Institutions Ordinance, 1869."

No. 125.

A.D. 1869.

An Ordinance respecting Indian Reserves.

[15th March, 1869.]

Preamble.

WHEREAS it is expedient for the avoidance of disputes among Indians and Settlers, as to the right to lands used by Indians, to provide a more speedy means than now obtains for the settlement of all such questions:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Power to Stipendi-
ary Magistrates to
settle disputes,

1. In case of any dispute arising between or among any Indian or Indians, and any other person or persons as to the right to enter into, or occupy, or as to any damage done to, any Crown Lands in the Colony, being Indian Reserves or Settlements, or to the improvements, crops, or cattle thereon, it shall be lawful for the Stipendiary Magistrate of the District within which the land in dispute is situated, upon any complaint made to him thereon, or upon view of the premises, to hear and determine all such questions and disputes, as and when the same shall arise, and thereupon, or in any case, to make such order or orders in the premises, and from time to time to amend and vary the same as to such Magistrate shall seem just and reasonable; and in case of wilful injury or trespass upon such Crown Lands, being Indian Reserves or Settlements, or Gardens, by any person or persons whomsoever as aforesaid, it

shall be lawful for such Magistrate, after reasonable notice to all parties to be affected by such decision, and after a hearing, to award and enforce such costs and damages, not exceeding in any one case the sum of two hundred and fifty dollars, by warrant of distress of the goods and chattels of the person or persons against whom such decision is given, as to such Magistrate shall seem reasonable.

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2. It shall also be lawful for such Stipendiary Magistrate in any such case, by any order in writing under his hand, to remove any person or persons from off the land, or any portion thereof, in respect of which the dispute has arisen : and in case of resistance or disobedience to or infraction of any such order, to imprison the party or parties so offending, for any term not exceeding one calendar month, or to compel him or them to find securities, to the satisfaction of the Magistrate, to be of good behaviour for any period not exceeding six calendar months.

3. This Ordinance may be cited for all purposes as the "Indian Reserve Ordinance, 1869."

and remove trespassers.

Short Title.

No. 126.

An Ordinance to amend "The County Court Ordinance, 1867."

A.D. 1869.

[15th March, 1869.]

WHEREAS doubts have arisen as to the subsistence of the powers of commitment bestowed on County Courts in the Colony, by "The County Court Ordinance, 1867:"

Vide Nos. 95 & 137.

Preamble.

And whereas without proper powers of commitment the County Courts would in a great measure be inoperative, and it is expedient to remove such doubts, and to confirm such powers:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. Sections 98, 99, 100, and 113 of the Imperial Statute 9 and 10 Victoria, chapter 95, shall be and are hereby declared to be of and to have full force and effect throughout the whole Colony of British Columbia, and all the powers of commitment for contempt, and otherwise, thereby conferred upon the County Courts and the Judges thereof in England, enforceable by the same process, shall be and are hereby conferred upon the County Court of British Columbia, and every other County Court of the Colony, and all the Judges thereof respectively, for the time being, any law or rule to the contrary notwithstanding; subject, nevertheless, to all and singular the same restrictions and provisions, and with and under the same

Enacts Sections 98, 99, 100, and 113 of Imperial Statute 9 and 10 Vic., cap. 95.

A.D. 1869.

process, mutatis mutandis, in the County Court of British Columbia, as govern the same powers in the County Courts in England.

Bars all claims to fees by Officers of Court.

2. Whereas doubts have arisen as to the effect of the Order of the Supreme Court of Civil Justice of Vancouver Island, made on the 3rd day of April, 1860; for the avoidance of all such doubts, be it enacted that no fees or moneys heretofore received from or on account of any proceedings in the Inferior or Summary Court of Civil Justice of Vancouver Island, shall be deemed to be or to have been due and payable or be paid to any Officer of the said Court, or other person whomsoever, but the same shall be and continue to be accounted for as part of the revenue of the said Colony, any Rule, Law, or Order of any Court to the contrary notwithstanding.

Short Title.

3. This Ordinance may be cited for all purposes as "The County Courts Amendment Ordinance, 1869."

No. 127.

A.D. 1869.

An Ordinance to enlarge and amend the "Victoria Municipal Ordinance, 1867."

Vide Nos. 94 & 136.

[15th March, 1869.]

Preamble.

WHEREAS it is deemed expedient that Sections 4, 33, 48, 50, 51, 57, and the Schedule of the "Victoria Municipal Ordinance, 1867," should be repealed or altered, and that the said Ordinance should also be amended:

Therefore, be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Amends qualification of Members of Council.

1. The last paragraph of Section 4 of the "Victoria Municipal Ordinance, 1867," shall be and is hereby repealed; and in lieu thereof the words or sentences—"Having been for three months next preceding the time of election, and being at the time of such election, the owner of property of the assessed value in the Municipal Assessment Roll of five hundred dollars," shall be read as and form part of such Section.

Makes the Assessment Roll permanent basis of taxation.

2. From and after the passing of this Ordinance, the Municipal Assessment Roll, made by the Municipal Council of the City of Victoria, dated the 15th of September, 1868, shall (anything in the said Ordinance to the contrary notwithstanding) be and continue to be the Assessment Roll for the said City; subject, nevertheless, to be altered and amended from time to time as hereinafter provided; save and except that in lieu of one-fourth of one per cent., it

shall be lawful for the said Municipal Council to levy any rate upon all owners of real estate, in respect of such estate, including the improvements thereon, not exceeding one-third of one per cent.

A.D. 1869.

- (2.) The Municipal Assessment Roll may be inspected by any person, at all reasonable times, free of any charge whatever. Inspection of Roll.
- (3.) It shall be lawful for the said Municipal Council, on such proof as to them shall from time to time appear satisfactory, to alter or amend the said roll, either by striking out the assessment, or by making a change in the name of the person to be liable to pay the amount of any assessment, or by making the Roll conform to any order of the Court of Revision; but the roll shall not be altered or amended by assessing any person in respect of his business, dogs, or horses, or in respect of his property, in any other or higher amounts than that, if any, for the time being appearing on the roll, unless the said Municipal Council shall, for the space of seven days at least, before the last sitting of the Court of Revision, have caused such person to be served with a notice of the rate intended to be imposed on him, and requiring him to attend before the Court to show cause why he should not be assessed as in the said notice specified. Amendment of Assessment Roll.
- (4.) Any notice by this Section of this Ordinance required to be served on any owner of real estate, or other person, in respect of proposed assessments, or money due on account of assessment, shall be served either personally or by leaving the same (or depositing it in the Post Office, in an enclosure addressed to such owner or other person as aforesaid) at his last known place of abode; and in case such owners are unknown or cannot be found, by affixing a copy thereof at or on some conspicuous part of each Town Lot or other piece of land or property, in respect of which the Assessment therein referred to shall have been made. Service of notices.
- (5.) The person who for the time being shall appear on the Assessment Roll as the owner of any real estate shall, for the purposes of this section, be deemed to be such owner; and if real estate shall not be assessed to any person by name, or the owner aforesaid shall not be known or cannot be found, then the affixing the notice aforesaid, in manner aforesaid, at or on the land or other property aforesaid, shall be deemed to be and shall be due and sufficient service of such notice. The Roll evidence of ownership.
- (6.) In case any person shall, whether by reason of a change in the value of the property or otherwise, feel himself aggrieved at the amount at which he or any other person may be assessed, it shall be lawful for such aggrieved person to appeal to the Court of Revision, if such person shall, on or before the day immediately preceding the first sittings of the Court, Notice of Appeal.

A.D. 1869.

have caused the Clerk of the said Municipal Council to be served with a notice of such appeal, and the grounds therefor.

Court of Revision.

3. Section 50 of the said Ordinance shall be amended by adding thereto at the end thereof, the words, figures, and sentences “and
“shall in such notice state the place where the Assessment Roll
“may be inspected.

“(2.) There shall be three sittings of the Court of Revision ; the
“first of such sittings shall be held in or previous to the
“month of February in each year; the second and third
“sittings shall be held at intervals of not less than seven
“clear days from the day appointed for the previous sitting,
“as the case may be. The first and second sittings may be
“adjourned from day to day, until the day appointed for the
“then next sitting; and the third sitting shall stand ad-
“journed from day to day, until the business before the
“Court shall have been disposed of” shall be read as and
form part of such Section.

Rates, when and
how payable.

4. Section 51 of the said Ordinance shall be and is hereby re-
pealed, and in lieu thereof, be it enacted as follows:—“The rates
“or taxes shall be deemed to be due on the 1st day of March in
“each year, and shall be payable at the office of the Clerk of the
“Municipal Council.

“(2.) The rates or taxes shall be paid in the manner and at the
“times the Municipal Council shall by By-Law, direct.

“(3.) The said Municipal Council shall from time to time, so soon
“as conveniently may be, after the third sitting of the Court
“of Revision shall have terminated, cause to be published
“in the Government Gazette, and one or more newspapers
“published or circulating in the said City, notice of the
“manner and the day or days appointed for the payment of
“the rates or taxes.

Rates on owners.

“(4.) The rates or taxes on real estate shall be paid by the owner
“of the land in respect of which, or the improvement there-
“on, the assessment shall have been made; provided, how-
“ever, that when the assessment shall have been made in
“respect of property held under lease from the owner, or in
“respect of improvements which were not at the time of the
“assessment owned by him, the amount paid by the owner
“shall (in the absence of any agreement to the contrary) be
“recoverable by him from the lessee or occupier of the said
“property, or improvements as aforesaid, by distress or
“otherwise, in like manner as if the amount due were owing
“for rent in arrear in respect of such property, together with
“interest thereon at the rate of twelve per centum per annum

“from the date of payment as aforesaid, until the same be
“paid

A.D. 1869.

“(5.) If such tax be not paid within one calendar month after the
“day fixed for payment as aforesaid, interest after the rate
“of twelve per centum per annum shall thereupon attach
“and be payable until the amount due with such interest be
“registered as a charge against the property assessed, as
“hereinafter mentioned.

Interest on arrears.

“(6.) On and after the expiration of one year from the day of
“default as aforesaid, the amount of such tax (and also the
“amount of any tax now over due for a like period), and
“interest, and cost of registration, may, on the application
“in writing, in the usual form, of the Clerk of the Municipal
“Council, be registered as a charge against the land in re-
“spect of which such tax was payable; and the Registrar
“General of Titles in Vancouver Island is hereby authorized
“and required to register the same accordingly.

Registration of ar-
rears.

“(7.) Once in every year, the Registrar General aforesaid shall
“publish in the Government Gazette a list of all property
“against which charges have been registered during the
“preceding twelve months for unpaid taxes, together with
“the names of owners or supposed owners, and the amounts
“of such charges respectively.

List of arrears.

“(8.) From and after the date of registration as aforesaid, the
“amount covered by the charge shall bear interest at the rate
“of eighteen per centum per annum; and after the expiration
“of three years from such date, the land and property against
“which the charge has been registered shall and may be sold
“by public auction, in manner to be prescribed by the said
“Municipal Council, and on the following conditions, viz.:—

Arrears a charge on
the land.

(9.) The said Municipal Council shall publish in the Govern-
“ment Gazette and one or more newspapers published in the
“said City, a list of all lands and property by them intended
“to be sold as aforesaid, including the names of the owners
“or supposed owners thereof, together with the amount of
“all costs and charges due on such property, at least two
“months before such intended sale.

Publication of list
of lands sold for
taxes.

“(10.) At the time and place appointed, the sale shall be conducted
“by the High Sheriff or his Deputy, and he shall be allowed
“therefor a commission not exceeding ten per centum upon
“the amount realized by such sale, in lieu of all expenses in-
“curred thereby.

Sale by Sheriff.

“(11.) No lot or piece of land shall be sold for less than the value
“thereof, as assessed at the time when the tax in respect of
“which the sale is made was imposed.

Reserved price.

“(12.) Upon the sale of any lot, the High Sheriff shall and is
“Sheriff may convey.

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Disposal of proceeds
of sale.Informality shall
not vitiate sale.Power to enter and
lease.Taxes may be col-
lected by law.

“hereby empowered to execute a conveyance to the purchaser thereof, of all the estate and interest therein, which the owner held at the time of the imposition of the tax; and the said Municipal Council are hereby empowered to purchase at such sale, and hold any lot so purchased as corporate property.

“(13.) The proceeds arising from the sale of any lot as aforesaid shall be disposed of by the High Sheriff as follows:—He shall, in the first place, pay himself the commission due thereon, and the cost of the conveyance; and, in the second place, shall pay the amount of all taxes due thereon, with interest and costs, including costs of registration, to the Clerk or Treasurer of the said Municipal Council; and shall pay the surplus (if any) into the Treasury of the Colony, to an account to be intitled ‘Municipal Tax Sales Account,’ and such moneys may be paid thereout by order of any Judge of the Supreme Court, on a summary application made to him in the form of a summons, supported by an affidavit of the facts, to the person or persons, in the opinion of such Court, entitled to receive the same; and no Court fees shall be charged or received for such summons, or for any order thereon made.

“(14.) No informality or irregularity shall vitiate any such sale and conveyance as aforesaid, nor shall any purchaser be bound to enquire into the regularity or otherwise of such sale, or to the application of the purchase money therein expressed to be paid; and the Registrar General aforesaid shall register the title of the purchaser of every lot so sold, upon the production of the conveyance by the Sheriff aforesaid.

“(15.) If any lot, put up to auction as aforesaid, shall not realize the amount of the assessed value thereof, the Municipal Council may, and they are hereby authorized to, enter into possession thereof, and hold and enjoy the same until the amount due for taxes, and costs, and expenses, together with interest at eighteen per cent. per annum, be fully paid and satisfied; but any such lot may be included in any subsequent sale, and sold in manner hereinbefore mentioned.

“(16.) Concurrently with the remedies given by this Ordinance for the collection of Municipal taxes hereunder, the taxes payable by any person hereunder may be recovered in any competent Court of Justice of the Colony, with interest after the rate of twelve per centum per annum, from the day of default as aforesaid, on all such arrears of taxes and registration fees, until paid, together with costs, as a debt due to the Corporation; and the production of a copy of so much of the Assessment Roll as shall relate to the taxes

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“payable by such person, purporting to be certified as a true
 “copy by the Clerk of the Municipal Council, shall be prima
 “facie evidence of the debt. It shall be the duty of the
 “Municipal Council, at least once in every year, to register
 “the said lien or debt in the books of the Land Registry
 “Office, as a charge on such real estate.

“(17.) A certificate of discharge and satisfaction, signed by the
 “Clerk of the Municipal Council, shall be sufficient authority
 “to the Registrar General to cancel any charge appearing in
 “the books of his office in respect of taxes; and he is hereby
 “authorized and required to cancel the same, on payment of
 “the costs and fees due and payable therefor. Provided,
 “always, that the total amount to be charged and payable
 “for registration and cancellation shall be two dollars, and
 “no more.”

Cancellation of
charge.

(18.) Section 48 of the said Ordinance shall be and is hereby
 repealed, and in lieu thereof:—“The Court of Revision shall
 “consist of not less than three Justices of the Peace for
 “British Columbia or Vancouver Island, to be appointed
 “from time to time by the Governor for the time being for
 “that purpose; and such Court shall have power to take and
 “enforce the production of evidence, and administer oaths,
 “at any sitting of such Court, and in and upon any matter
 “or thing coming within the purview of such Court; the
 “wilful infraction of any oath so administered shall be deemed
 “a misdemeanor, and infer the penalties of perjury; and all
 “expenses (if any) connected with such Court of Revision
 “shall be borne and paid by the Municipal Council out of
 “the Municipal revenues.”

Constitution of
Court of Revision.

5. Section 57 of the said Ordinance shall be and is hereby
 repealed.

Repeals Sec. 57 of
Municipal Ordinance,
1867.

6. That in the first part of Schedule of said Ordinance, the
 words—“Thence southerly along the east boundary of the Public
 “Park to the sea shore, at the south-east corner of the Public Park;
 “thence westerly along the sea shore to the south-east corner of the
 “Public Park; thence northerly along the west boundary line of
 “the Public Park, to the point where the north side line of St.
 “James’ Street intersects it,” be struck out, and the following
 words inserted instead thereof:—“Thence southerly and westerly
 “along the east and south boundaries of the Lot marked in the
 “Official Map ‘A. Dallas,’ to the north-east corner of the Public
 “Park; thence westerly along the north boundaries of said Public
 “Park, to the north-west corner of said Public Park; thence south-
 “erly along the west boundary of said Public Park, to the point
 “where it is intersected by the north side line of St. James’ Street;”
 and, that in the fourth part of the said Schedule, the words—
 “including the said Park,” be struck out.

Excludes the Bea-
con Hill Park from
the Municipal limits.

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Interpretation.

7. In the construction of this Ordinance, words importing the singular number or masculine gender only, shall be understood to include several matters as well as one matter, and several persons as well as one person, and bodies corporate as well as individuals, and females as well as males, and words importing the plural number shall be understood to apply to one matter as well as more than one, unless such construction shall be repugnant to the context.

Short Title.

8. This Ordinance may be cited for all purposes as the "Victoria Municipal Amendment Ordinance, 1869."

No. 128.

A.D. 1869.

An Ordinance to encourage the Establishment of Investment and Loan Societies.

AMENDED by No. 165.

[20th August, 1869.]

Preamble.

WHEREAS it is expedient that encouragement should be given to the establishment of Societies having for their object the accumulation of money in this Colony, and the investment thereof:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Societies how incorporated.

1. In case any twenty or more persons agree to constitute themselves into a Society under this Ordinance, and execute under their respective hands and seals a declaration to that effect, and deposit the same with the Registrar of Joint Stock Companies (who shall grant his certificate thereof, and for the granting of such certificate and receiving and registering such declaration, shall be entitled to a fee of five dollars), such persons and such other persons as afterwards become members of the Society, and their several and respective executors, administrators, and assigns, shall be a Corporation, Body Corporate and Politic, under this Ordinance, with the power to hold lands as hereinafter mentioned, by the name and style mentioned in such declaration, for raising by periodical subscriptions, in sums not exceeding ten dollars per month, or otherwise of or from the several members of the Society, in shares (not exceeding the value of five hundred dollars for each share), a stock or fund for investment on real security in Great Britain or Ireland, British Columbia, or any other of Her Majesty's Possessions, and for enabling persons to become members of such Society at any time, either for investment of capital therein or to obtain the advance of their shares or share by giving security therefor, without being liable to the contingency of losses or entitled to participate in the

Power to hold lands.

profits in the business of the said Society; and the certificate of the Registrar of Joint Stock Companies, of such declaration as aforesaid having been deposited, shall be conclusive evidence of the incorporation of the Society in such certificate mentioned. The date of such certificate shall be the date of incorporation of the Society; and the liability of the members shall be limited to the payment of the amount unpaid on the shares held by them respectively.

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Evidence of incorporation.

Date of incorporation.

Liability of members.

2. The several members of the Society holding unadvanced shares thereon, may from time to time assemble together and make such proper Rules for the government of the Society as the majority of the members so assembled deem meet, so as such Rules are not repugnant to the provisions of this Ordinance, or any Act or other Ordinance then in force in British Columbia; and they may impose and inflict such reasonable fines, penalties, and forfeitures upon the several members of the Society infringing such Rules, as such majority of the members think fit, to be respectively paid to such uses, for the benefit of the Society, as the Society by such Rules direct; and they may, also, from time to time amend or rescind such Rules, and make new Rules in lieu thereof, under such restrictions as are in this Ordinance contained.

Members of Society may make Rules;

impose fines;

amend or rescind Rules.

3. Every such Society shall, in or by one or more of their Rules, declare the objects for which the Society is intended to be established, and thereby direct the purposes to which the money from time to time subscribed to, received by, or belonging to the Society shall be appropriated, and in what shares or proportions, and under what circumstances any member of the Society or other person may become entitled to the same, or any part thereof.

Society shall, by Rule, declare objects of Society;

how money to be appropriated.

4. The Rules of the Society shall specify the place or places at which it is intended that the Society shall hold its meetings, and shall contain provisions with respect to the powers and duties of the members at large, and of the officers appointed for the management of its affairs.

Rules to specify time and place of holding meeting, and define powers and duties of members and officers.

5. Every such Society shall from time to time elect and appoint any number of the members of the Society to be a Board of Directors, the number and qualification thereof to be declared in the Rules of the Society, and may delegate to such Directors all or any of the powers given by this Ordinance to be executed.

Election of Directors.

6. The powers of the Directors shall be declared by the Rules of the Society, and they shall continue to act during the time appointed by such Rules, and until others are appointed.

Powers of Directors to be declared by Rules.

7. The Rules of the Society shall provide that the Treasurer, or other principal officers thereof, shall, once at least in every year, prepare a General Statement of the funds and effects of or belonging to the Society, and the value of such effects, specifying in whose custody or possession such funds and effects are then remaining, together with an account of all sums of money received or expended by or on account of the Society, since the publication of the pre-

Rules to provide that Treasurer shall furnish annual statements of funds.

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Statement to be attested by Auditors.

ceding periodical statement. Every such periodical statement shall be attested by two or more members of the Society, not being Directors, who shall be elected Auditors for that purpose by the shareholders, and shall be countersigned by the Secretary or Clerk for the Society, and every member shall be entitled to receive from the Society, without charge, a copy of such periodical statement.

Rules to be recorded in a book.

8. The Rules for the management of every such Society shall be recorded in a book kept for that purpose, and such book shall be open at all reasonable times for the inspection of the members; and a copy of such Rules shall be registered by the Registrar of Joint Stock Companies, and certified by him before they shall be binding on the Society.

Rules so recorded to be binding on members.

9. The Rules so recorded shall be binding on the several members and officers of the Society, and the several contributors thereto, and their representatives, and they shall be deemed to have full notice thereof by such record.

Examined copy of Rule to be evidence.

10. The entry of the Rules in the books of the Society, or a true copy of the same, examined with the original, and proved to be a true copy, shall be received as evidence thereof.

Rules not to be altered except at a special general meeting.

11. No Rules, so recorded as aforesaid, shall be altered or rescinded, nor shall any Rule be created except at a General Meeting of the members convened by public notice, written or printed, signed by the Secretary or President of the Society, in pursuance of a requisition for that purpose made by not less than fifteen of the members, stating the objects for which the meeting is called, and addressed to the President and Directors, and unless such general meeting do consist of not less than one-third of the shareholders present in person or by proxy, representing not less than two-thirds of the unadvanced stock of such Society, and the majority of such members present as aforesaid do in writing under their hand concur in such alteration or repeal of such Rule, or in the creation of any new Rule; and no such Rule shall be deemed to have been altered, repealed, or created, until the alteration, repeal, or creation, shall have been assented to by the Registrar of Joint Stock Companies, in writing under his hand. Each member of the Society shall, within fifteen days after the receipt of such requisition by the President or Treasurer, be notified by circular of the proposed alterations, repeal, or addition.

Meeting to consist of $\frac{1}{3}$ of shareholders representing not less than $\frac{2}{3}$ of unadvanced stock, and majority consent in writing.

Rules not to be deemed altered until alteration assented to by Registrar of Joint Stock Co's.

Members to be notified of proposed alterations.

Shareholder whose share is paid up may receive or invest the amount.

12. When any share or shares in the capital of any Society has or have become due and payable to the holder thereof, he may either withdraw the amount of such share or shares from the said Society, according to the Rules and Regulations thereof, or invest the amount of his said share or shares as fixed or permanent stock of the Society, and receive therefrom periodically such proportion of the profits made by such Society as may be provided for by the

Rules of the Society. The moneys invested in fixed and permanent stock may not be withdrawn therefrom, but may be transferred in the same manner as other shares in the same Society.

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Permanent stock
transferable only.

13. Except in the case of the withdrawal of a member according to the Rules of the Society then in force, no member shall receive, or be entitled to receive, from the funds of the Society, in respect of any share which is not invested as permanent stock, any interest or dividend by way of annual or other periodical profit upon any share in the Society, until after the expiration of the term for which such share was originally granted, or such shorter period as, under the Rules of the Society, may have been substituted therefor.

Except in cases of
withdrawal, mem-
bers not to receive
profits in shares,
other than in per-
manent stock, until
maturity.

14. Every such Society may from time to time limit the number of shares to be granted, and, except in cases provided for in Section 12, may charge a premium on any new share.

Society may limit
number of shares,
and may charge a
premium on new
shares.

15. Every such Society may, after reasonable notice in writing, declare forfeited to the Society the shares of any member who is in default, or who neglects to pay the number of instalments or monthly subscriptions fixed by any stipulation or By-Law, and may expel such members from the Society, and the Secretary shall make a minute of such forfeiture and expulsion in the books of the Society.

Shares may be for-
feited.Members may be
expelled.

16. In case any payment either on account of subscriptions, instalments, fines, or for expenses in relation to any security or otherwise is due or payable to any such Society from any member thereof, the same may be recovered by action or suit in the usual manner.

Society may sue
members.

17. In case a Sub-Committee of Directors is appointed for any particular purpose, the powers delegated to them shall be reduced to writing, and entered in a book, by the Secretary or Clerk of the Society.

In certain cases,
powers of Directors
to be recorded in
books of Society.

18. The Directors shall choose a President and Vice-President, and they shall in all things delegated to them act for and in the name of the Society, and the concurrence of a majority of the Directors present at any meeting shall at all times be necessary in any act of the Board; and no business shall be transacted at any meeting of Directors, unless a quorum of Directors, as prescribed by the Rules, be present thereat.

Election of Presi-
dent and Vice-
President.
Concurrence of
majority of Direc-
tors necessary.
Quorum to be
present.

19. The transactions of the Directors shall be entered in a book belonging to the Society, and shall at all times be subject to the review of the Society, in such manner and form as the Society by their General Rules shall direct and appoint.

Proceedings of
Directors to be en-
tered in books of
Society.

20. All acts and orders of such Directors under the powers delegated to them shall have the like force and effect as the acts and orders of the Society at the general meeting.

Acts of Directors to
be binding.

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Directors at meeting to appoint officers.

To remove officers for incompetence or misbehaviour.

Officers appointed to receive money to give security.

Repealed by No. 165.

[Societies may make advances to members on security of real estate, and may take any property as further security.]

Society may become absolute owner by foreclosure of any property mortgaged to it.

Amended by No. 165

In certain cases, Society may proceed in mortgage by sale, &c.

After default for 3 months successively Society may sell property held in mortgage.

21. The Directors shall from time to time, at any of their usual meetings, appoint such persons as they shall think proper to be officers of the Society, grant such salaries and emoluments as they deem fit, and pay the necessary expenses attending the management of the Society; and shall from time to time, when necessary, elect such persons as may be necessary for the purposes of the Society, for the time and for the purpose expressed in the Rules of the Society; and shall from time to time, for incompetence or misbehaviour, discharge such persons, and appoint others in the room of those who vacate, die, or are discharged.

22. Every such officer or other person appointed to any office in anywise concerning the receipt of money shall, before entering upon the duties of his office, execute a bond, with two sufficient sureties, in such form and for such amount as the Directors determine, for the just and faithful execution of his office, according to the Rules of the Society.

[23. *Such Society may advance to members, other than any or either of the Directors thereof, on the security of unadvanced shares in the said Society, any portion of the funds of such Society, and may receive and take from any person or persons, or bodies corporate, any real property as original security, or any property of any nature or kind soever, as further or additional security for any advances made as aforesaid.*]

24. Every such Society may take and hold any property or securities thereon, bona fide mortgaged or assigned to it, either to secure the payment of the shares subscribed for by its members, or to assure the payment of any debts due to the said Society, and may become the absolute owner thereof by foreclosure.

25. Whenever any such Society has received from a [shareholder] an assignment, mortgage, or transfer of any property to secure the payment of any advance made by, or debt due to, such Society, and containing an authority to such Society to sell such property in case of non-payment of any stipulated number of instalments or sums of money, and to apply the proceeds of such sale to the payment of the advances, interest, and other charges due to the Society, such stipulations and agreements shall be valid and binding, and the Society may cause the same to be enforced; and may proceed on any such security for the recovery of the moneys thereby secured, either at Law or in Equity, or otherwise, and generally may also pursue the same course, exercise the same powers, and take and use the same remedies, to enforce the payment of any debt or demand due to the Society as any person or body corporate may by Law take or use for a like purpose.

26. In case of default being made in payment of any sum of money secured, or intended to be secured, by any deed of security taken by any such Society, or any part of any such sum, for the space of three months successively after any or either of the days or times at which the same became payable, it shall be lawful for

such Society to offer the property comprised in any such deed of security, or any part or parts of such property, for sale by public auction, and either together or in parcels.

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27. If any person appointed to an office by the Society, and being intrusted with and having in his possession, by virtue of his office, any moneys or effects belonging to the Society, or any deeds or securities relating thereto, dies, or becomes Bankrupt or Insolvent, his legal representative, or other person having a legal right, shall within fifteen days after demand made by the orders of the Directors of the Society, or the major part of them assembled at any meeting thereof, deliver over all things belonging to the Society to such person or persons as the Directors appoint.

Representatives of deceased officers of Society to deliver over papers and moneys after demand.

28. This Ordinance shall extend to aliens, denizens, females, co-partners, and corporate bodies. Females covertes and infants may hold shares in any Society incorporated under this Ordinance, in the same manner as male adults; and for the purpose of dealing with such shares, shall be considered as females soles or male adults respectively; and this Ordinance shall be construed in the most beneficial manner for promoting the ends thereby intended; but no female covert or infant shall be a Director of any such Society.

Ordinance to extend to aliens, &c., but no female covert or infant to be a Director.

29. Every such Society may invest any surplus funds in the stocks of any Chartered Bank in, or other public security of, the Colony; and all dividends, interest, and proceeds arising therefrom, shall be brought to account and be applied to the use of the Society, according to the Rules thereof.

How Society may invest surplus funds.

30. Every such Society by its Rules, Regulations, or By-Laws authorized to borrow money, shall not borrow, receive, take, or retain, otherwise than in stock and shares in such Society, from any person or persons, any greater sum than three-fourths of the amount of capital actually paid in on unadvanced shares, and invested in securities or in property by such Society; and the whole of the property and capital of the Society shall be liable for the amount so borrowed, received, or taken by any such Society.

Amount Society may borrow limited.

31. Any such Society may hold absolutely real estate for the purposes of its place of business, not exceeding the annual value of three thousand dollars in any one place, exclusive of the improvements which may be made by any such Society thereon.

Real Estate for place of business.

32. Such Society shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any share or shares of its stock may be subject, and the receipt of the party in whose name any such share or shares stand in the books of the Society, or if such share or shares stand in the names of more parties than one, the receipt of one of the parties shall from time to time be a sufficient discharge to the Society for any payment of any kind made in respect of such share or shares, notwithstanding any trust to which such share or shares may then be subject, and

Society not bound to see to trust to which its stock is subject.

What receipt sufficient.

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whether or not such Society has had notice of such trust, and the Society shall not be bound to see to the application of the money paid upon such receipt.

No loan to be made to a Director.

33. No portion of the funds of any Society established under this Ordinance shall be advanced to any or either of the Directors of such Society, nor to nor for his or their use, upon any security or otherwise; and should any advance be made contrary to the spirit of this Ordinance, the Director or Directors receiving the same shall forfeit to the Society a sum equal to ten times the amount so advanced, and shall cease to be a Director of such Society.

Any Director receiving a loan to pay a fine of ten times the amount received.

Recovery of fine.

34. Every such forfeit or fine may be recovered before a Stipendiary Magistrate of British Columbia, in a summary way, by warrant of distress of the goods and chattels of such Director or Directors. In case of default of payment of such forfeit or fine, and of the insufficiency of such distress, such Director or Directors shall be liable to imprisonment for a term not exceeding twelve calendar months, at the discretion of the Magistrate who shall have issued the warrant of distress.

Officers who receive a bribe or commission to procure a loan to incur a penalty of \$500.

35. In case any Director or Directors, the Secretary and Treasurer, or Secretary, or Treasurer, or Clerk of any such Society shall take, charge, or receive any bribe, commission, or gratuity for negotiating any loan from, or procuring any advance to be made by any such Society, such person or persons shall incur a penalty of five hundred dollars, and shall, upon conviction thereof, be removed from office, and forfeit to the Society all his or their interest in such Society.

Directors to be liable for debts of dividend declared when the Society is known by them to be insolvent.

36. If the Directors of any such Society shall declare any dividend when the Society is known by them to be insolvent, or any dividend, the payment of which would to their knowledge render it insolvent, they shall be jointly and severally liable to the extent of the aggregate amount of the dividend so declared, for all the debts of the Company then existing, and for all that shall be thereafter contracted, so long as they shall respectively continue in office. Provided, always, that if any of the Directors shall be absent at the time the dividend or dividends shall be so declared, or shall object thereto, and shall forthwith file their objection in writing with the Secretary or Clerk of the Society, they shall be exempt from the said liability.

No portion of profits of Society to be divided until [the table on which the securities held by the Society have been valued shall have been sanctioned by an officer to be appointed by the Governor.]

37. Inasmuch as the stability of Societies established under this Ordinance will depend in great measure on the valuation of the assets of such Societies, and the division of the profits from time to time found or declared to have been made by such Societies, no such Society shall be at liberty to divide any of the profits found or declared to have been made by such Society, until [the table on which the securities held by such Society shall have been valued, and shall have been sanctioned or approved of by such Officer as the Governor or Officer administering the Government may from time to time appoint; and if any

dividend shall be paid on or in respect of any share in the capital of such Society before such table as aforesaid shall have been sanctioned or approved as aforesaid, each of the Directors who shall not have objected thereto, and shall not have filed his objection in writing with the Secretary or Clerk of the Society, before any such payment, shall incur a penalty of five hundred dollars.]

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38. In the month of December in each year, the assets of the Society shall be valued, and the accounts audited; and on or before the 14th day of the month of January then following, a Return, duly verified by the declarations of the Auditor and Treasurer, shall be made to the Colonial Secretary, in which shall be stated in a tabular form:—

When the assets of Society to be valued and accounts are to be audited.

Return to be made to Colonial Secretary.

The name of the Society;

The nominal capital;

The actual capital;

The number of unadvanced shares held in accumulating stock, and the amount paid thereon;

The amount of permanent stock not deposited as security for moneys advanced by the Society;

The amount borrowed or received on deposit;

The nature of the presumed assets, with a concise statement of the securities in a tabular form;

The losses and expenses during the year;

The profits divisible per share;

And such other information as the Governor or Officer administering the Government shall, from time to time, by notice published in the Government Gazette, order or require.

39. If any Society established under this Ordinance makes default in making a Return to the Colonial Secretary, in compliance with the foregoing directions, such Society shall incur a penalty not exceeding twenty-five dollars for every day during which such default continues.

Penalty on default in making Return.

40. Upon the application of one-fifth in value of the holders of unadvanced shares in any Society established under this Ordinance, the Governor or Officer administering the Government may appoint one or more Inspectors to examine into the affairs of the Society, and to report thereon in such manner as he may direct.

Examination of affairs of Society by Inspector approved by the Governor.

41. It shall be the duty of all officers and agents of the Society to produce for the examination of the Inspectors all books and documents in their custody or power. Any Inspector may examine upon oath the officers and agents of the Society, in relation to its business, and may administer such oath accordingly. If any officer or Agent refuses to produce any such book or document, or to answer any question relating to the affairs of the Society, he shall incur a penalty not exceeding twenty-five dollars in respect of such offence.

Powers of Inspector.

42. Upon the conclusion of the examination, the Inspectors shall

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Result of examination how dealt with.

report their opinion to the Colonial Secretary. Such report shall be written or printed, as the Colonial Secretary directs. A copy shall be forwarded by the Colonial Secretary to the registered office of the Society, and a further copy shall, at the request of the shareholders upon whose application the inspection was made, be delivered to them, or to any one or more of them. All expenses of and incidental to any such examination as aforesaid, shall be defrayed by the shareholders upon whose application the Inspectors were appointed.

Power of Society to appoint Inspector.

43. Any Society registered under this Ordinance may, in a general meeting, appoint Inspectors for the purpose of examining into the affairs of the Society. The Inspectors so appointed, shall have the same powers and perform the same duties as Inspectors appointed by the Governor or Officer Administering the Government, with this exception; that, instead of making their report to the Colonial Secretary, they shall make the same in such manner and to such persons as the Society in general meeting directs; and the officers and agents of the Society shall incur the same penalties in case of any refusal to produce any book or document to such Inspectors, or to answer any questions, as they would have incurred if such Inspectors had been appointed by the Governor.

Official copy of report of Directors to be evidence.

44. A copy of the report of any Inspectors appointed under this Ordinance, authenticated by the seal of the Society into whose affairs they have made inspection, shall be admissible as evidence in any legal proceeding.

Recovery of penalties other than those provided for in Section 34.

45. All offences under this Ordinance, other than those provided for by Section 34 of this Ordinance, made punishable by any penalty, may be prosecuted summarily before two or more Justices, in manner directed by an Act passed in the Session holden in the eleventh and twelfth years of the Reign of Her Majesty Queen Victoria, chapter 43, intituled "An Act to facilitate the performance of the duties of Justices of the Peace out of Session within England and Wales, with respect to summary convictions and orders."

Application of penalties.

46. The Justices imposing any penalty under this Ordinance, may direct the whole or any part thereof to be applied in or towards payment of the costs of the proceedings, or in or towards the rewarding the person on whose information or at whose suit such penalty has been recovered; and subject to such directions, all penalties shall be paid to the Treasurer of the Colony, and shall be carried to the credit and form part of the Revenue of the Colony.

Service of notice.

47. Notices requiring to be served by the Company upon shareholders, may be served either personally, or by leaving the same, or sending them through the post office in a letter addressed to the shareholders at their registered places of abode.

In case of joint own-

48. All notices directed to be given by the Societies shall, with

respect to any share to which persons are jointly entitled to, be given to whichever of the said persons is named first in the register of the Societies, and notice so given shall be sufficient notice to all proprietors of such share.

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ers of a share, on whom notice to be served.

49. All notices required by this Ordinance to be given by advertisement, shall be advertised in a newspaper circulating in the City or District in which the registered office of the Society is situated.

How notice to be advertised.

50. The provisions of any Ordinance or Act for the time being in force in British Columbia, relating to the winding up of Companies, shall apply to all Societies incorporated under this Ordinance.

Provision as to winding up of company.

51. The word "Society" in the foregoing sections of this Ordinance shall be understood to include and to mean any Society, Company, or Institution established under the provisions and authority of this Ordinance; the word "Rules" to include Rules, Orders, By-Laws, and Regulations; and whenever in this Ordinance in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided or there be something in the subject or context repugnant to such construction.

Interpretation clause.

52. This Ordinance may be cited for all purposes as "The Investment and Loan Societies Ordinance, 1869."

Short Title.

No. 129.

An Ordinance respecting "The Companies' Ordinance, 1866."

A.D. 1869.

[20th August, 1869.]

WHEREAS it is expedient to amend "The Companies' Ordinance, 1866," and also to extend the provisions thereof to that part of this Colony formerly known as Vancouver Island and its Dependencies:

Vide No. 65.

Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. The "Vancouver Island Joint Stock Companies' Act, 1860," is hereby repealed; but such repeal shall not invalidate any acts heretofore done, or affect any rights acquired under such Act.

Repeals Act of 1860.

A.D. 1869.

Ordinance of 1866
extended.

2. From and after the passing of this Ordinance, "The Companies' Ordinance, 1866," and all the provisions and enactments thereof shall, save as hereinafter modified, have full force and effect throughout the Colony.

Registrar.

3. The Governor may from time to time appoint such person as he shall think proper to act as Registrar of Joint Stock Companies.

Interpretation of
terms.

4. The expression "the Court" used in Section 3 of "The Companies Ordinance, 1866," shall in its interpretation also mean the "Supreme Court of Vancouver Island," and every Chief Justice or Judge thereof; and the words "the Supreme Court of Civil Justice" in Section 6 of the said Ordinance, shall be construed to mean the Supreme Court of the Mainland of British Columbia and the Supreme Court of Vancouver Island respectively, and any Chief Justice or Judge thereof.

Rules or Orders may
be varied.

5. All the words after the figures "1862" in Clause 11 of the said Ordinance, are hereby repealed; and instead thereof, the following words shall be read as part of such clause:—"provided that it shall be lawful for the Chief Justice or Judge of either of the said Supreme Courts of this Colony, with the sanction of the Governor, to vary or modify such Rules or Orders as occasion may require."

Companies' Ordinance, 1866, to be
read with this.
Short Title.

6. The said "Companies' Ordinance, 1866," and this Ordinance shall be construed and read together as one Ordinance, and be cited as "The Companies' Ordinance, 1869."

No. 130.

A.D. 1870.

An Ordinance respecting Practitioners in Medicine and Surgery.

Vide No. 88.

[24th March, 1870.]

Preamble.

WHEREAS it is expedient to amend "The Medical Ordinance, 1867," and to bring the same into uniformity with Imperial Legislation, by providing for the registration in British Columbia of members of the Medical Profession already duly registered in the United Kingdom, under the Imperial Statute the 21^o and 22^o Victoria, Chapter 90:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Provides for the re-
registration of per-
sons registered in
England:

1. Upon the application of any person duly registered under the provisions of the 21^o & 22^o Vic., cap. 90, such person shall, on payment of a fee of ten dollars, be entitled to be registered under

"The Medical Ordinance, 1867," by the Registrar appointed under such Ordinance, on producing to such Registrar a Certificate duly authenticated under the hand and seal of the Registrar of Medical Practitioners in England, Scotland, or Ireland, as the case may be, that such applicant is duly registered under the provisions of "The Medical Act," to wit: the 21^o & 22^o Victoria, chapter 90, and on producing an affidavit made before a Magistrate, or other person duly qualified in British Columbia to receive solemn declarations, to the effect that he is the person named in such Certificate, and that such Certificate was duly granted by one of the said Registrars as aforesaid, and that he has not lost the benefit of the same by reason of misconduct or otherwise. The Registrar of Medical Practitioners in the said Colony may be amended in respect of any qualification subsequently acquired by any person therein registered, on production and proof of such qualification, and on payment of an additional fee of ten dollars, all such fees to be applied and accounted for as fees under the said Ordinance.

A.D. 1870.

Register may be amended.

2. Every person registered under this Ordinance or "The Medical Ordinance, 1867," shall be entitled, according to his qualification or qualifications, to practise medicine or surgery, as the case may be, in the Colony of British Columbia, and to demand and recover in any Court of Law, with full costs of suit, reasonable charges for professional aid, advice, and visits, and the costs of any medicine or other surgical or medical appliances rendered or supplied by him to his patients.

Enables registered Medical Practitioner to collect fees.

3. This Ordinance may be cited as "The Medical Amendment Ordinance, 1870."

Short Title.

No. 131.

An Ordinance to facilitate the issue of Crown Grants.

A.D. 1870.

[13th April, 1870.]

WHEREAS it is expedient to facilitate the issue of Crown Grants to the owners of land purchased from the Crown :

Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. In any case in which the Chief Commissioner of Lands and Works and Surveyor General, or other the officer for the time being charged with the duty of issuing Crown Grants to persons claiming grants of land purchased previous to the passage of this Ordinance, either directly or derivatively from the Crown, shall not

Chief Commissioner may refer claimant for Crown Grant to Registrar General ;

A.D. 1870.

be satisfied with the evidence of the validity of the claim of any applicant for such Crown Grant, such Chief Commissioner or officer aforesaid is hereby authorized and empowered to, and shall if required by the applicant so to do, refer such claim, and all other matters in anywise relating thereto, to the Registrar General of Titles, who shall examine into the claim, title, or matter so referred, and proceed therein in the manner hereinafter provided.

Who shall cause his intention to recommend Grant to be gazetted.

2. Upon evidence, to the satisfaction of the said Registrar General being adduced, that any such applicant whose claim or title has been so referred as aforesaid, is in anywise reasonably entitled to a grant from the Crown of land either purchased from the Crown by himself or by any person through whom he may claim title, the Registrar General aforesaid shall, in cases where the applicant has not purchased directly from the Crown, cause a notice to be inserted in the Government Gazette, for such space of time, not less than three calendar months, as the said Registrar General shall, in his discretion, deem expedient, of his intention to recommend the issue of such Crown Grant to the applicant, on the expiration of the time specified in such notice, unless, in the meantime, objection be made in writing to him against the issue thereof.

Registrar General's certificate to issue Grant.

3. If no such objection be made within the time limited for that purpose, the Registrar General shall, immediately on the expiration thereof, or as soon as may be practicable, certify in favor of the issue of the Crown Grant to the applicant; and it shall be lawful for the said Chief Commissioner, or other officer aforesaid, upon the production of such certificate, to issue and deliver the Crown Grant to the person so found to be entitled.

May refer to Supreme Court or Judge.

4. If any objection be preferred in writing as aforesaid, or if the said Registrar General be not satisfied of the sufficiency of the title of the applicant, it shall be lawful for the said Registrar General either to refuse to grant such certificate, and the applicant or other person making any objection shall be at liberty to require the said Registrar to refer the matter in dispute to the decision of the Supreme Court of British Columbia, or to any Judge of such Court, as to the title for the time being in question, or any matter or thing relating thereto; and such Court or Judge as aforesaid, is hereby authorized and empowered to decide every such matter and thing, and such decision or order shall be sufficient authority for the Registrar General to certify in favor of the issue of the Crown Grant to the person by such decision or order held to be entitled to the same.

Summary mode of reference and decision.

5. The matter in dispute may be brought before the Court as aforesaid, by way of a case stated by the claimant, or by the Registrar General, in such form as he shall deem expedient, or before a Judge by summons; and, thereupon, the Court or Judge shall

A.D. 1870.

decide all questions of law and fact; or, if so desired by the claimant, shall order any question of fact to be tried by a jury in the usual way, and to direct by whom and to whom the costs, if any, consequent on or attending the application (the granting and amount of which costs shall be entirely in the discretion of the Judge or Court) be paid, or the Judge may refuse to decide the matter, and refer it to the Court.

6. The claimant aforesaid is hereby empowered and shall be entitled to obtain a summons at the office of any Registrar or Deputy Registrar of the Supreme Court, to any witness, with or without a clause requiring the production of papers and documents in his possession or control.

Registrar may summon witnesses.

Every person on whom such summons shall have been served, either personally, or in such other manner as shall be directed by the Court or Judge, and to whom at the same time payment or tender of payment of his expenses shall have been made, on such scale of allowance as shall for the time being be in force for witnesses generally, according to the Rules of the said Court, and who shall refuse or neglect, without sufficient cause, to appear or to produce any such papers or documents required by such summons to be produced, shall forfeit and pay a fine not exceeding fifty dollars, as the Judge shall set on him; and the whole or any part of such fine, in the discretion of the Judge or Court, after deducting the costs, shall be applicable towards indemnifying the party injured by such refusal or neglect, and the remainder thereof shall be paid into the Treasury of the Colony, to the use of Her Majesty, Her heirs and successors.

Power to enforce attendance.

7. The issue of any such Grant as aforesaid, shall not bar or in any way affect any equities that there may be attaching to or affecting the land or the title thereto at the time of the issuing of the Crown Grant thereof.

Issue of Grant not to affect equities.

8. No suit, action, or other proceeding shall be maintainable at any time hereafter, by any person against the Registrar General, nor shall he, or any other officer of the Government whomsoever, be liable for any loss, damage, costs, or expenses whatsoever, by reason or in consequence of the issue of such Certificate and Crown Grant as aforesaid.

Indemnifies all Government Officers.

9. It shall be lawful for the said Chief Commissioner, before the issue of any Crown Grant as aforesaid, to require and enforce the delivery and production of all papers and documents forming the chain of title to the land comprised in such Grant, and the decision or order of the Court or Judge, if any, obtained as hereinbefore provided; and the said papers and documents, and decision or order as aforesaid, shall be deposited by such Chief Commissioner, or other officer as aforesaid, in the office of the Registrar General, there to be kept as part of the records of such office.

Chief Commissioner may enforce production of papers.

A.D. 1870.

Registrar General
may administer
oaths.

False statement or
concealment a mis-
demeanor.

Fee for certificate.

Interpretation
Clause.

Short Title.

10. The Registrar General is hereby empowered to administer oaths to all persons desirous of giving evidence relating to the title of any person claiming a Crown Grant as aforesaid; and, also, to require any statement made by any witness to be reduced into writing, by way of affidavit or solemn declaration; and every witness or other person who shall, in giving such evidence before any Judge, or Court, Chief Commissioner, or Registrar, as aforesaid, make any wilful false statement, or suppress or conceal any material document or fact, shall be deemed guilty of a misdemeanor, and upon conviction shall be liable, at the discretion of the Court by which he is convicted, to be fined in a sum not exceeding one hundred dollars, or imprisoned for a term not exceeding three calendar months.

11. There shall be paid to the Registrar General the sum of five dollars for every certificate so granted by him as aforesaid, to be accounted for as part of the fees of the Land Registry Office.

12. In the construction of this Ordinance the word "Governor" shall mean and include the Officer for the time being administering the Government of the Colony; and whenever in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and corporations as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided, or there be something in the subject or context repugnant to such construction. The words "Crown Grant" shall mean any Instrument in writing under the Public Seal of the Colony conveying land in fee simple.

13. This Ordinance may be cited as the "Crown Grants Ordinance, 1870."

No. 132.

A.D. 1870.

An Ordinance to amend "The Common School Ordinance, 1869."

Vide No. 122.

[20th April, 1870.]

Preamble.

WHEREAS it is expedient to remove doubts relating to the construction of "The Common School Ordinance, 1869," and to amend the same:

And whereas it is expedient to make provision for the Inspection of Common Schools:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

A.D. 1870.

1. It shall be lawful for the Governor, from time to time, to appoint a fit and proper person, or fit and proper persons, to be Inspector or Inspectors of Schools established under the said Ordinance, and to make provision for his or their expenses; and the same may be paid out of the General Revenue of the Colony, notwithstanding anything in the said Ordinance contained to the contrary, and in particular to the provision in the second Section thereof, in the words following:—"provided, always, that the expenses of any such visitation and inspection shall not be borne by the School funds," which provision shall be and is hereby repealed.

Governor may appoint Inspectors of Schools.

2. It shall be the duty of the said Inspector or Inspectors (whose appointment shall be notified in the Government Gazette) from time to time, to visit and inspect all Common Schools established under the said Ordinance, and examine, enquire into, and report upon the several matters, persons, and things following, for the information of the Governor in Council:—

Duty of Inspectors.

- (1.) The management, character, efficiency, and general condition of the said Schools:
- (2.) The character and qualifications of the Teachers:
- (3.) All complaints which may be made in respect of the conduct, management, or condition of any School:
- (4.) The text books in use in the said Schools, and to see that none but those duly approved of are used therein.

It shall also be the duty of the said Inspector or Inspectors to examine the children of each School at least once in every year, to satisfy himself or themselves that every reasonable endeavour has been made for the payment of the salaries guaranteed by each Local Board to the several School Teachers before the public grants of money are made to the said Boards respectively by the Governor in Council, and generally to carry out all instructions which may be issued to him in writing by the Governor in Council, in so far as they may be in accordance with the provisions of the said Ordinance.

3. The said Inspector or Inspectors shall make an annual report to the Governor in Council, before the 31st day of December in each year, upon the condition of all Common Schools inspected by him or them, and a copy of such reports shall be laid before the Legislature, as soon thereafter as may be practicable.

Inspector to make Annual Reports.

4. The Governor in Council shall have power to appoint, from time to time, fit and proper persons, not less than three and not more than five, to be a Board of Examiners for the purpose of examining School Teachers, and after examination to grant to them

Board of Examiners how appointed.

A.D. 1870.
—

certificates of competency when found advisable; and it shall be lawful for the Governor in Council aforesaid to refuse the payment of any grant to any School Teacher who has not received a certificate of competency as aforesaid.

Appointment of
Collectors.

5. The Local Board of each District shall appoint some person, or if they think it expedient one of themselves, as Collector to collect the tax, rate, or tuition fees imposed by them, or the sums which the inhabitants of the District may have subscribed for the current year, and they may pay such Collector at the rate of not more than ten per cent. on the moneys collected by him.

List of Rate-payers.

6. The Local Board shall make out a list of the names of all persons rated by them for School purposes, or liable for tuition fees, or for moneys agreed to be subscribed as aforesaid, and shall annex to such list a warrant directed to the Collector for the collection of the several sums mentioned in such list; and such warrant may be in the form in the Schedule to this Ordinance annexed.

Boundaries of Muni-
cipal School Dis-
tricts.

7. Any School District for which the Council of any Municipality may be or has been constituted the Local Board according to the provisions of the said Ordinance, may include within its limits any quantity of land outside the Municipal boundaries as may be or may have been approved of by the Governor in Council, and all persons residing without such Municipal boundaries, but within such School District, shall be and are hereby declared to be liable to pay all rates, taxes, fees, and sums of money assessed on or payable by them, in like manner as if they resided within such Municipal boundaries.

Right of male resi-
dents to vote.

8. And whereas it is expedient that all male residents of each District above the age of twenty years should have the right to attend and vote at the special and annual meeting appointed to be held under the provisions of the said Ordinance. Be it therefore enacted that Section 6 and 7 of the said Ordinance, shall be and are hereby amended by striking out the words "freeholders and resident householders," and inserting in lieu thereof the words "male residents above the age of twenty years."

Form of Tax By-
Law.

9. Every By-Law passed as provided in Section 8 of the said Ordinance, may be in the form of a resolution as provided in the Schedule hereto, and shall be transmitted to the Governor and certified under the hand of the Chairman of the meeting at which the resolution has been passed.

Taxes when due.

10. The first annual period for which any tax, rate, or sum of money shall be payable as aforesaid, shall commence and be deemed to have been due on the day on which the first By-Law in any District shall have been approved of by the Governor, and thenceforward shall be payable for any subsequent year and be due from

the date of the approval of each succeeding By-Law duly approved as in the said Ordinance is provided. A.D. 1870.

11. This Ordinance may be cited as "The Common School Short Title. Amendment Ordinance, 1870."

SCHEDULE.

Form of Warrant.

We the undersigned, being the Local Board for the School District of _____, by virtue of the authority vested in us by "The Common School Ordinance, 1869," and "The Common School Amendment Ordinance, 1870," hereby authorize and require you [*here insert name of Collector*], after ten days from the date hereof, to collect from the several individuals in the annexed list, the sums of money set opposite their respective names, and payable under the said Ordinances for the year ending _____, 18____, and to pay within _____ days from the receipt thereof the amount so collected to our Treasurer, whose discharge shall be your acquittance for the sums so paid, and in default of payment on demand, by any person so rated, assessed, or liable, you are hereby authorized and required to levy the amount by distress and sale of the goods and chattels of the person or persons making default, on order to be made in that behalf by a Justice of the Peace as provided by the said Ordinance.

Given under our hands and seal this _____ day of _____ 18____.

A. B.,
 B. C., } Local Board.
 C. D., }

Form of Resolution.

Resolved, That the Local Board for the School District of _____ do collect, and are hereby empowered to collect and levy a Tax or Rate of _____ dollars per head, for the year commencing the _____ day of _____ 18____, upon all male residents above the age of twenty years in the said District.

Passed at a meeting held the _____ day of _____ 18____.

Certified by me,

A. B., Chairman.

No. 133.

A.D. 1870. An Ordinance entitled the "Game Ordinance, 1870."

[20th April, 1870.]

Preamble.

WHEREAS it is expedient to protect Game of various descriptions from being killed out of season, and to assimilate the Law affecting such matters in all parts of the Colony of British Columbia:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Repeals Ordinance of 1869.

1. The "Game Ordinance, 1869," is hereby repealed; but such repeal shall not cause to revive any Ordinance or Act repealed by the Ordinance hereby repealed.

When unlawful to have Game in possession.

2. From and after the passage of this Ordinance, it shall be unlawful for any person or persons to have game in his, her, or their possession in the City of Victoria, or of New Westminster, or in the Town of Nanaimo, or of Esquimalt, or within the distance of one mile from any of the said cities or towns, or on board of any steamboat, between the first day of March and the tenth day of August in any year; or of venison, between the first day of February and the first day of August in any year; or to collect or destroy the eggs of any grouse, quail, prairie-fowl, pheasant, or partridge.

Empowers Justices of Peace to make search.

3. It shall be lawful for any Justice of the Peace, upon information on oath, that there is probable cause to suspect that a breach of the provisions of this Ordinance has been committed, or that game, venison, or the eggs of grouse, quail, prairie-fowl, pheasant, or partridge be or is likely to be on any premises, or on or about any person or persons within the City of Victoria, or of New Westminster, or within the Town of Nanaimo, or of Esquimalt, or within the distance of one mile from any of the said cities or towns, or on board of any steamboat in the harbour of Victoria, Esquimalt, or Nanaimo, by warrant under his hand and seal, to authorize and empower any Constable or Police Officer to enter and search such premises, and to search such person or persons, at any time, and to seize all game, venison, and eggs aforesaid, wherever found; provided, that no such warrant shall continue in force after the ninth day of August in the year in which it shall have been issued.

Interpretation.

4. In the construction of this Ordinance, or of any information to be laid, or any warrant to be issued under the provisions herein contained, the term "game" shall be held to mean dead grouse, quail, prairie-fowl, pheasant, partridge, robin, lark, thrush, or wild-pigeon; and the term "venison" shall be held to mean the

carcass or any part of a dead deer or elk, or of the young thereof respectively.

A.D. 1870.

5. Every infraction or evasion of this Ordinance shall be punishable, upon conviction, in a summary manner, before any Justice of the Peace in British Columbia, by a fine not exceeding fifty dollars, for each separate offence, to be levied by distress, or in default of payment by imprisonment for any term not exceeding one month, at the discretion of the Justice of the Peace convicting. Declares penalties.

6. Any person giving information leading to the conviction of any person under this Ordinance, shall be entitled to receive one-half of any pecuniary penalty inflicted under this Ordinance. Information.

7. In case of any summary conviction under this Ordinance, no warrant of commitment upon a conviction shall be held to be invalid by reason of any defect therein, if it be therein alleged that the person offending has been convicted, and there be a good and valid conviction to sustain the same. Conviction not to be invalid.

8. This Ordinance shall not apply to elk, deer, or the young thereof respectively, killed before the first day of February in any year; or to grouse, quail, prairie-fowl, pheasant, or partridge, robin, lark, thrush, or wild pigeon killed, or eggs collected, before the first day of March in any year. Limits application of Ordinance.

9. This Ordinance may be cited for all purposes as the "Game Ordinance, 1870." Short Title.

No. 134.

An Ordinance to create a further Duty of Customs for the Public Service.

A.D. 1870.

[20th April, 1870.]

Repealed by No. 153 when assented to by Her Majesty.
Preamble.

WHEREAS it is expedient to raise a further sum of money for the Public Service of the Colony, by altering the duty now imposed on spirits:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. On and after the 20th day of April, A. D. 1870, in lieu of the Duties of Customs now leviable upon spirits and strong waters imported into British Columbia, there shall be assessed, levied, collected, and paid upon all spirits and strong waters so imported on or after the said 20th day of April, A. D. 1870, and sweetened or otherwise, for every Imperial gallon of full strength of proof, Imposes a duty of \$2 50 per gallon on Spirits.

A.D. 1870.

or less, by Sykes' hydrometer, and in proportion for any greater or less quantity than a gallon, the sum of two dollars and fifty cents. For the purposes of this Ordinance, all spirits and strong waters as aforesaid in bond on and after the said 20th day of April, A.D. 1870, shall be liable to the payment of the said duty.

Such duty to be collected under Customs Acts of 1853, 1855, 1867.

2. The duties hereby imposed shall be deemed to be Customs duties, in all respects subject to the "Customs Consolidation Act, 1853, the "Supplemental Customs Consolidation Act, 1855," the "Customs Ordinance, 1867," and this Ordinance, and shall be under the care and management of the Collector of Customs for the time being for the Colony, who by himself and his officers shall have all the powers and authorities for the collection, recovery, and management thereof, as are under or by virtue of the said Customs Consolidation Acts, or either of them, the "Customs Ordinance, 1867," or this or any other Act, Ordinance, or Proclamation vested in the said Collector, for the collection, recovery, and management of Duties of Customs, and all other powers and authorities requisite for levying the said duties.

Penalties for evasion.

3. Every evasion or attempt at evasion of or offence committed by any person or persons to defeat the payment of any of the duties hereby made payable on any goods or things imported into British Columbia (which shall include its dependencies) will, in addition to the penalties imposed by the "Customs Ordinance, 1867," be prosecuted and punished in the manner prescribed by the said Customs Consolidation Acts.

Short Title.

4. This Ordinance may be cited for all purposes as "The Customs Amendment Ordinance, 1870."

No. 135.

A.D. 1870.

An Ordinance respecting the Supreme Court.

[22nd April, 1870.]

Vide Nos. 99 & 112.

Preamble.

WHEREAS a vacancy has been created by the resignation of Joseph Needham, Esquire, late Chief Justice of the Supreme Court of Vancouver Island, and doubts may arise as to the effect of such resignation under "The Supreme Courts Ordinance, 1869," and it is expedient to remove such doubts and make other provisions in view of such resignation:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

A.D. 1870.

1. The merger of the Supreme Court of the Mainland of British Columbia, and of the Supreme Court of Vancouver Island, into the Supreme Court of British Columbia, under "The Supreme Courts Ordinance 1869," shall be deemed and taken for all purposes whatsoever to have taken place as from the twenty-ninth day of March, A. D. 1870, and shall be so recognized in judicature, and thereout, in all proceedings, matters, and things by all persons and for all purposes whatsoever.

Merger of Courts to
date from 29th
March, 1870.

2. Nothing in the said "Supreme Courts Ordinance, 1869," contained, shall be deemed or taken to affect or invalidate any acts or proceedings done, commenced, or taken in the Supreme Court of Vancouver Island, or in the Supreme Court of the Mainland of British Columbia, or either of them, or any Decrees, Judgments, or Orders of the said Courts, or either of them, and whether in Equity or at Common Law, and as well relating to Bankruptcy as to the granting of Probate and to the administration or other disposition of the estates and effects of deceased persons, intestate or otherwise; and whether before or since the resignation of the said Joseph Needham, or such vacancy as aforesaid; and whether made, done, or registered by any Chief Justice, Judge, or Officer of either of the said Courts, or otherwise, by any person whomsoever; and whether so made, done, or registered within or without the jurisdiction of either of the said formerly separate Supreme Courts.

Supreme Court Or-
dinance, 1869, not to
invalidate any act of
Supreme Courts of
Vancouver Island or
Mainland.

3. All proceedings heretofore commenced, taken, or continued, or purported to be commenced, taken, or continued in the said Supreme Court of Vancouver Island, or in the Supreme Court of the Mainland of British Columbia, or now or hereafter purporting to be continued in or transferred into the Supreme Court of British Columbia since the said resignation and vacancy, may be continued and prosecuted in the Supreme Court of British Columbia; and all matters relating to Probate and the administration of the estates and effects of deceased persons so commenced, taken, granted, or continued, or purported to be commenced, taken, granted, or continued, shall be prosecuted and continued in the said Supreme Court of British Columbia, and shall have as full force and effect, and be so cognizable respectively, as if originally commenced, taken, and dealt with in the said Supreme Court of British Columbia.

Provides for trans-
ference of suits to
new Court.

4. All Actions and Suits whether original or by way of appeal, and whether from the County Court or otherwise, and all or any matters, things, or proceedings whatsoever, which at the time of such resignation or vacancy were pending in either of the said separate Supreme Courts, shall be transferred with all the proceedings therein to the Supreme Court of British Columbia, there to be dealt with and decided according to the Rules, Regulations, and practice of the Supreme Court of British Columbia, except so far as such Court may think expedient to adopt for the purposes of

Suits actually pen-
ding to be transfer-
red to new Court.

A.D. 1870.

Provides for appeal
to Her Majesty in
Council.

such transferred Actions, Suits, matters and things, or any of them, the Rules, Regulations, and practice of the Court in which the same shall have been pending, to which end the Supreme Court of British Columbia shall, for the purpose of such Actions, Suits, Proceedings, matters and things, as well as otherwise, have all the jurisdiction, power, and authority possessed by the Court from which such Actions, Suits, Proceedings, matters or things shall be transferred; and every person who, if this Ordinance had not passed or such resignation or vacancy aforesaid taken place, might have appealed to Her Majesty in Council against any Proceeding, Decree, Judgment, Order, matter or thing of or in the Supreme Court of Vancouver Island, or the Supreme Court of the Mainland of British Columbia, may, notwithstanding anything contained in "The Supreme Courts Ordinance, 1869," appeal to Her Majesty in Council against such Proceeding, Decree, Judgment, matter or thing. Provided, always, that nothing herein contained shall affect any of the provisions of "The Supreme Courts Ordinance, 1869," other than is herein specifically expressed.

Appointment of Re-
gistrar and Deputy
Registrar.

5. In addition to such Officers as may from time to time be appointed by the Supreme Court of British Columbia for the due administration of justice, and for the due execution of the powers and authorities which are by Law vested in the said Supreme Court of British Columbia, there shall be appointed by the Governor of the said Colony, suitable persons to be respectively Registrar and Deputy Registrar of the Supreme Court of British Columbia. There shall be paid to such Registrar the annual salary of one thousand nine hundred and forty dollars, and to such Deputy Registrar the annual salary of one thousand nine hundred and forty dollars, out of the General Revenue of the Colony; provided, that such Officers shall retain and hold their respective offices during the pleasure of Her Majesty, Her heirs and successors. Upon any vacancy in either of the said offices, however arising, such vacancy shall be filled up by the Governor for the time being; but nothing herein contained shall prevent the said Court from appointing District Registrars for the said Court, for any places or districts in the Colony from which the said Registrar or Deputy Registrar shall, for the time being, be unavoidably absent.

Short Title.

6. This Ordinance may be cited for all purposes as "The Courts Merger Ordinance, 1870."

No. 136.

An Ordinance respecting the enforcement of Municipal By-Laws. A.D. 1870.

[22nd April, 1870.]

WHEREAS it is expedient to make provision for the disposition Preamble.
and apportionment of moneys collected by way of Tax, Fine,
Penalty, or Costs, under Municipal By-Laws in the Colony:

Be it enacted by the Governor of British Columbia, with the
advice and consent of the Legislative Council thereof, as follows:—

1. All taxes, fines, and penalties assessed, levied, and collected, Municipal taxes,
fines, &c., by whom-
soever collected, to
be paid to Municipal
Revenue.
or to be hereafter assessed, levied, and collected from any person
or persons whomsoever, under or by virtue of any By-Law of any
Municipality by whomsoever collected, whether by any Municipal
Officer, Justice of the Peace, or general Police shall, save so far as
otherwise prescribed in such By-Law, be paid over, when collected
to the Treasurer or other proper Financial Officer of such Muni-
cipality, to be applied and accounted for by him as part of the
Revenue of such Municipality, or to and in such special uses and
manner respectively, as may be declared in that behalf in such
By-Law.

2. The fees and costs of the Court in or through which or its Fees and costs of
Court.
Officers such taxes, fines, penalties, or costs may be recovered,
shall be paid and applied to the same uses and in the same manner
as the ordinary fees and costs of the Court in which the same may
be collected.

3. This Ordinance may be cited for all purposes as the “Muni- Short Title.
pal Fines Ordinance, 1870.”

No. 137.

An Ordinance to alter and amend the “County Court Ordi- A.D. 1870.
nance, 1867.”

[22nd April, 1870.] Vide Nos. 95 & 126.

WHEREAS it is expedient to alter and amend the procedure and Preamble
practice of the County Courts of the Colony of British
Columbia, for the purpose of better administering justice there-
under:

Be it enacted by the Governor of British Columbia, with the
advice and consent of the Legislative Council thereof, as follows:—

A.D. 1870.

Repeals Section 8 of
"County Court Or-
dinance, 1867.

Provides for remov-
ing claim over £10
to Superior Court.

Security to be given.

Gives powers of
County Court Jud-
ges to Judges of Su-
perior Courts.

Trial with or with-
out jury.

Fees.

Declares that no bar
shall exist to try
suits over £20 in
Superior Courts.

Provides for appeal
over £20.

Time for appeal.

Security to be given.

1. That Section 8 of the said "County Court Ordinance, 1867," be and the same is hereby repealed.

2. Any action commenced in a County Court for a claim exceeding ten pounds may be removed by either party, plaintiff or defendant, into a Superior Court, on giving to the other party five days' notice of such intention prior to the return day of such summons. Provided, always, that no such removal shall be allowed unless some Judge of such Superior Court shall be within the District of the County Court at the time such notice is given. And, provided, that the party applying for such removal, if defendant in any such action, shall forthwith give security satisfactory to the Registrar or Master of such Superior Court; or in the absence of any such Registrar or Master, to the Judge of such County Court, for the amount of the claim and the costs of trial, not exceeding in all five hundred dollars.

3. That upon such security being completed, the party who has applied for such removal, shall forthwith set down the cause for hearing in such Superior Court, and thereupon such Court, or the Judge thereof, shall have all the powers of a County Court Judge as defined by the several Acts relating to the County Courts contained in Section 3 of the "County Court Ordinance, 1867."

4. That the trial of any such action or claim by any Judge of such Superior Court shall be had, either with or without a Jury, at the option of such Judge or of either of the parties to any such plaint, and the same hearing and other fees as are now payable under the said "County Court Ordinance, 1867," or hereafter may become payable by virtue of any Rules and Regulations to be hereafter made by virtue of such Ordinance, shall be the fees to be paid and no other. That nothing herein, or in the "County Court Ordinance, 1867," contained, shall be deemed to prejudice the right of any person, plaintiff in any action or suit above twenty pounds, to try such action or suit in the Superior Courts of this Colony.

5. That an appeal from the decision of a County Court Judge shall be allowed in all cases when the amount claimed exceeds ten pounds; but no appeal in matters of fact shall be allowed when the claim has been tried before a jury. The appellant, if plaintiff, shall give security in a sum not exceeding one hundred dollars for costs; and if defendant, in a sum equal to the amount claimed, together with a sum not exceeding one hundred dollars for costs.

6. That the appellant shall, within forty-eight hours after the decision or verdict which is appealed against shall have been rendered, give a written notice to the Judge of the County Court, or his Clerk, of the grounds of such appeal, and shall, within one week after the hearing of the said claim give such security as afore-said, otherwise the appeal shall be considered abandoned.

7. That on every such appeal it shall be lawful for the Court or Judge of such Superior Court to try and determine the question in dispute, either with or without a jury, and the same hearing and other Court fees shall be paid thereon as on a trial in the County Court.

A.D. 1870.

Powers of Superior Court in appeal.

8. This Ordinance shall be called the "County Courts Amendment Ordinance, 1870."

Short Title.

No. 138.

An Ordinance to authorize a Loan of £75,000.

[23rd April, 1870.]

WHEREAS it is expedient to consolidate the floating liabilities of the Colony of British Columbia, and for that purpose to raise a Loan, secured on the General Revenue of the said Colony, in manner hereinafter appearing :

Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall be lawful for the Governor for the time being of the said Colony, from time to time, or at any time hereafter, to cause to be made out and issued, Debentures secured upon the General Revenue of the said Colony, for such sum or sums, not exceeding seventy-five thousand pounds in the whole, as may be required for the purpose of consolidating the floating liabilities of the Colony.

Governor may issue Debentures for £75,000.

2. All Debentures made out and issued under this Ordinance shall bear interest at the rate of six pounds sterling per centum per annum, payable half-yearly, and shall be redeemable at the expiration of thirty years, from the 1st day of September, anno domini one thousand eight hundred and seventy.

Interest at 6 per centum per annum.

3. Every Debenture shall be for any sum or sums not less than one hundred pounds sterling, which the said Governor shall determine, and which, together with the interest thereon, shall be payable in London, at the office of the Crown Agents for the time being for the Colonies, or at the Treasury of the said Colony. And the holder or bearer of any of the said Debentures may alter the place of payment of the principal and interest, to either the Treasury at Victoria, or the offices in London of the said Crown Agents, by giving six months' previous notice in writing, terminating on the 1st day of March or the 1st day of September, at the previous place of payment (the Treasury in Victoria, or at the offices in London of the Agents aforesaid, as the case may be),

Debentures to be for £100.

Dates of payment of interest.

A.D. 1870.

of his wish to make such alteration, and causing the Officer in Victoria acting as Treasurer for the time being, or the said Crown Agents in London, as the case may be, (who is and are hereby required) to endorse on such Debenture a memorandum of the alteration.

Method of issuing
and registering De-
bentures.

4. All Debentures made out and issued under this Ordinance shall be signed by the Crown Agents for the Colonies, on behalf of the Government of British Columbia, and entered in a Register to be called the "Debenture Register," a duplicate whereof shall be kept by the Crown Agents, at the offices in London, and another duplicate copy thereof by the Auditor General of the said Colony; and such Debentures shall be deemed a charge upon all the Revenue of the said Colony from whatever source arising, and in order of priority next after the prior charges thereon already created by "The British Columbia Loan Act, 1862," "The British Columbia Loan Act, 1863," "The British Columbia Loan Act, 1864," and the "Road and Harbour Loan Act, 1862," of Vancouver Island; and all interest on such Debentures, and the principal when due, shall be paid by the Treasurer of the said Colony out of such Revenues, under warrant to be issued by the said Governor, in priority of all demands thereon, except the charge and expenses of the collection thereof, and the said prior charges on such Revenue created by the Statutory Loans last above cited.

Form of Debenture.

5. The said Debentures shall be in the Form marked A. set forth in the Schedule to this Ordinance, and shall bear date on the day of the issuing thereof, and shall be numbered arithmetically, beginning with number one, and so proceeding in arithmetical progression ascending, wherein the common excess or difference shall be one.

Interest Coupons.

6. Interest coupons shall be attached to each Debenture, in Form marked B. set forth in the Schedule hereto.

Debenture payable
to bearer.

7. The said Debentures shall be made payable to the bearers thereof, and shall pass by delivery only, and without any assignment or endorsement; and the holder or bearer for the time being of every such Debenture shall have the same rights and remedies in respect of the same as if he were expressly named therein.

Governor can au-
thorize Crown
Agents for the Colo-
nies to negotiate
Loan.

8. It shall be lawful for the said Governor to authorize the whole or any portion of the said Debentures to be negotiated, contracted for, or sold by the Treasurer or the Crown Agents for the Colonies, and at such times, in such sums, and in such manner as the said Governor may direct.

Disposal of Loan
when realized.

9. All moneys raised under this Ordinance shall be paid in such manner as the said Governor shall prescribe to the Treasurer of British Columbia, and shall by him be placed to the credit of an account to be called the "Consolidated Loan Account," to be

applied to the purposes of paying off the floating or temporary liabilities of the said Colony, or of any sums borrowed or to be borrowed, and expended for public purposes of the Colony, and to no other purposes whatsoever; and the said moneys shall be accounted for in the same manner as if they formed part of the Current Revenue of the said Colony.

A.D. 1870.

10. The said Governor shall provide for the payment of the said Debentures, by authorizing and directing the Treasurer of the said Colony, subject in the first place to the said "The British Columbia Loan Act, 1862," "The British Columbia Loan Act, 1863," "The British Columbia Loan Act, 1864," and the Vancouver Island "Road and Harbour Loan Act, 1862," to the extent aforesaid, to appropriate half-yearly out of the General Revenue of the Colony, such sum as shall be equal to four and one-eighth per cent. on the total of the principal sum for which the said Debentures shall from time to time have been issued, and be for the time being outstanding, and after having paid the half-year's interest therefrom, shall invest, or cause to be invested, the residue thereof as a Sinking Fund for the final extinction of the debt; and shall invest, or cause to be invested, the dividends, interest, or annual produce arising from such investment, so that the same may accumulate by way of compound interest.

Repayment of Debentures

by Sinking Fund.

11. All sums paid to the account of the Sinking Fund, and all interest or produce arising therefrom, shall be invested under Trustees in the purchase of Imperial Government Securities, or of the Government Securities of this or any other Colony of Great Britain. The nature of such Securities, and the selection of the Trustees, shall be left to Her Majesty's Principal Secretary of State for the Colonies.

Investment of Sinking Fund.

12. Provided, that notwithstanding anything to the contrary in this or any Proclamation, Ordinance, or other Local Law contained, it shall be lawful for the said Trustees, from time to time, or at any time hereafter, under the direction of the said Secretary of State for the Colonies, and the instructions of the Governor, to invest the amount of any such Sinking Fund, and the accumulation thereof, in any Debentures or other Government Securities of British Columbia, as well as in Imperial Securities or the Government Securities of other Colonies, and to hold every such British Columbian Debenture or other Security uncanceled; and to receive and invest the interest accruing thereon, for the purpose of the Sinking Fund, in the same manner as the Debentures of any other Colony.

May be invested in B. C. Securities.

13. Provided, nevertheless, that it shall be lawful for the said Governor, and notwithstanding anything in this Ordinance contained, he is hereby expressly authorized and empowered, from time to time, or at any time during the currency and before the expiration of the said Loan hereby created, upon giving six calen-

Debentures may be called in and redeemed on 6 months' notice.

A.D. 1870.

dar months' previous notice in the London Gazette, and the Government Gazette of the said Colony, of the intention so to do, to call in and redeem all or any of the said Debentures, on payment of five per cent, premium above par, in addition to the amount of such Debentures so called in, and to make such redemption to the amount of such moneys as the said Governor shall, by and with the advice and consent of the Legislature of British Columbia, by any Ordinance or Act to be issued and passed by him with such advice and consent as aforesaid, or out of the Current Revenue of the Colony, appropriate for that purpose.

Debentures when
redeemed cancelled.

14. All Debentures so redeemed (save those as aforesaid purchased on account of the Sinking Fund) shall be forthwith cancelled and destroyed; and no re-issue of Debentures shall be made in consequence of such redemption and destruction.

Reduction of Sink-
ing Fund.

15. From and after the date of any and every such re-purchase or redemption of Debentures as last aforesaid, the amount then payable to the Sinking Fund shall be from time to time reduced in exact proportion to the amount of Debentures for the time being remaining unredeemed; and any moneys remaining in the Sinking Fund, after the Loan hereby sanctioned is fully paid and satisfied, shall be forthwith paid over to the Treasurer, and accounted for as General Revenue.

Balance to be paid
to Treasury.

Trustees may pur-
chase Debentures.

16. It shall be lawful for any Trustees, Executors, Administrators, or Guardians, having the disposition of any trust moneys, to purchase any such Debentures, by and out of trust moneys, and every such purchase shall be deemed a due investment of such trust money.

Payment to actual
holders of Deben-
tures deemed good.

17. It shall not be necessary for the said Colonial Treasurer, Crown Agents, or any other person acting for or in behalf of the Government of the said Colony, to notice, or regard, or enquire into any trust to which any Debentures shall be liable, or the rights or authority of any one being the actual holder or bearer of any such Debentures as aforesaid; but payment to the actual holder or bearer thereof, or his lawful agent, shall be deemed in all cases due payment, unless otherwise specially agreed in writing, by and under the hand of the Treasurer, Crown Agents, or other person acting as aforesaid, for the time being entrusted with the sale of such Debentures.

Penalty for forgery.

18. Any person who shall forge or alter, or shall utter, or dispose of, or put off, knowing the same to be forged or altered, any Debenture made out and issued under this Ordinance, shall be guilty of felony, and being thereof convicted shall be imprisoned for any period not exceeding three years, with or without hard labour, at the discretion of the Judge before whom any such person shall be tried and convicted.

19. This Ordinance may be cited for all purposes as "The British Columbia Loan Ordinance, 1870."

Short Title.

SCHEDULE,

FORM. A.

BRITISH COLUMBIA GOVERNMENT DEBENTURE.

No.

"*British Columbia Loan Ordinance, 1870,*"

£75,000.

For [*One hundred*] Pounds advanced to the Government of British Columbia, the holder of this Debenture is entitled to receive Interest at the rate of Six per centum per annum, in half-yearly payments, payable at the [*Offices of the Crown Agents for the Colonies, in London, or at the Treasury, Victoria, British Columbia, as the case may be*] on the 1st March, and 1st September, in each year.

The said sum of [*One Hundred*] Pounds sterling, with interest thereon, is charged upon and made payable out of the General Revenue of the Colony of British Columbia, under the terms of "*The British Columbia Loan Ordinance, 1870,*" and the principal will be repaid [*in London, at the aforesaid Offices, or at the Treasury, Victoria, British Columbia, as the case may be*] at the expiration of Thirty (30) Years from the 1st day of September 1870.

Signed on behalf of the Government of British Columbia, and in accordance with the provisions of the Ordinance above cited.

Registered, _____ } *Crown Agents for*
 _____ } *the Colonies.*

FORM B.

BRITISH COLUMBIA.

No.

Half-year's Interest due [] on Debenture No. , payable at the [*Offices of the Crown Agents for the Colonies, London, or the Treasury, Victoria, British Columbia, as the case may be*].

£ _____ *Agents General.*

60 such Coupons, numbered from No. 1 upwards, to be attached to each Debenture Bond.

N. B.—The holders or bearers of this Debenture may alter the place of payment of Principal and Interest, to the Treasury, Victoria, British Columbia, or the Offices of the Crown Agents for the Colonies in London, by giving Six Months' previous notice in writing, terminating on the 1st day of March, and 1st day of September, at the previous place of payment (the Treasury in Victoria, British Columbia, or the Offices of the Crown Agents, aforesaid, for Crown Colonies in London, as the case may be) of his wish to make such alteration, and causing the Officer acting as Treasurer in Victoria, British Columbia, or the said Crown Agents for the Colonies in London, as the case may be, to endorse on this Debenture a memorandum of such alteration.

No. 139.

A.D. 1870. An Ordinance to regulate the Fees of the Supreme Court of British Columbia.

See General Order.
(Appendix).

[26th April, 1870.]

Preamble.

WHEREAS it is expedient to declare and regulate the Fees to be paid by Suitors in the Supreme Court of British Columbia:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Chief Justice may
alter or vary Su-
preme Court Fees.

1. Notwithstanding anything in the "Supreme Court Fees Ordinance, 1865," or in "The Supreme Courts Ordinance, 1869," contained, it shall be lawful for the Chief Justice of the Supreme Court of British Columbia, from time to time and at any time hereafter, to make all such general Rules and Orders as to him may appear necessary or advisable for altering or varying the Schedule of Fees attached to the said "Supreme Court Fees Ordinance, 1865," and for fixing the costs to be allowed for and in respect of any action, suit, or other proceeding, matter, or thing, either at law or in equity or otherwise howsoever, in the said Supreme Court, and either as to the items for which fees may be taken or the amount to be taken in respect of any item, and also, if deemed proper, to fix additional items for which fees may be taken, as between Solicitor and Client, or as between party and party, and also the fees to be taken by the High Sheriff and Deputy Sheriffs, and the Officers of the said Supreme Court of British Columbia, and the allowances to witnesses, in all such proceedings, matters, and things; and, also, from time to time, to make such different scale or scales of such costs, fees, and allowances, or any of them, for different portions of the Colony of British Columbia, as to him may appear necessary or advisable, specifying at the head of each such scale, if there shall be more than one, the portion or portions of the Colony to which the same shall be applicable; and to make all such Rules and Orders, and scales as to fees of Court, and costs between Solicitor or Attorney and Client, or otherwise generally, and whether by payment of costs and charges in detail, or by a lump sum in full of ordinary costs, or partly by one mode of payment and partly by the other, or in any other way, as shall seem, in the discretion of such Chief Justice, most expedient for the due administration of justice in the said Supreme Court of British Columbia.

Alteration of fees to
be approved by the
Governor.

2. No alteration or addition, under the previous section, shall be of any force or validity until it shall have been approved by the Governor, and published in the Government Gazette for one calendar month.

3. All fees of Court whatsoever received by the Supreme Court, or any other Court in the Colony, (except fees for office copies, which shall be taken by the Officer by whom or under whose authority the same shall be made, for his own proper use) shall be paid over and accounted for as part of the General Revenue.

A.D. 1870.

Fees to be accounted
for as part of the
General Revenue.

4. This Ordinance may be cited for all purposes as "The Short Title. Supreme Court Fees Ordinance, 1870."

No. 140.

An Ordinance to amend the "Road Ordinance, 1869."

A.D. 1870.

[22nd April, 1870.]

Vide No. 118.

WHEREAS it is expedient to explain and amend the "Road Ordinance, 1869:"

Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. Sections 4, 6, 14, 18, 22, and 23 of the "Road Ordinance, 1869," are hereby repealed.

Repeals part of Road
Ordinance, 1869.

But all acts lawfully done, taxes or costs created or imposed, and rights acquired under the said Sections, or any of them, or the said Ordinance, shall not be affected or prejudiced by such repeal, but be dealt with as if the same had not taken place.

Saves existing
rights.

2. In lieu of Sections 4 and 6 so repealed, be it enacted as follows:—

"The Esquimalt and Metchosin Road District shall be and include Esquimalt District, Metchosin District, and Sooke District, according to the boundaries of such Districts as laid down on the official maps thereof.

Esquimalt-Metchosin District.

"The Lake and Saanich Road District shall be and include North Saanich, South Saanich, Lake, and Highland Districts, according to the boundaries of such Districts as laid down on the official maps thereof."

Lake-Saanich District.

3. In lieu of Section 14 of the said Ordinance, so repealed, be it enacted as follows:—

"Every male person above eighteen years of age, resident at the period of assessment in any Road District created, or which may be created, under the provisions of this Ordinance, shall pay an annual tax of two dollars.

Who must pay Road
Tax.

"Every person possessed of any interest in any real estate, not exceeding ten acres in extent, in any of the said Road Districts,

A.D. 1870.

shall pay an annual tax of two dollars for each and every such quantity of land as aforesaid.

“Every person possessed of any interest in any real estate in any of the said Road Districts, which shall exceed ten acres in extent, shall pay for every additional acre or portion of an acre over such ten acres a further annual tax of four cents.

“Provided, that no person assessed in respect of real estate shall be liable to pay, in addition thereto, the annual tax of two dollars as hereinbefore mentioned; but he shall in all cases where resident in any District, and possessed of any interest in real estate therein, be assessed and liable to pay only the tax in respect of such real estate.

One tax on joint
interests sufficient.

“Provided, also, that nothing contained herein, or in the said “Road Ordinance, 1869,” shall be deemed or taken to convey, or to have conveyed, the meaning that two or more persons interested in the same real estate as aforesaid, standing in the relation of lessor and lessee, mortgagor and mortgagee, or interested therein as shareholders or partners in any chartered or incorporated company, or in any partnership or firm, shall each be or be deemed to have been liable for the tax at which such real estate shall be or have been assessed.”

Employer to deduct
tax from employe.

4. Every merchant, farmer, trader, or employer of labour shall be and is hereby authorized to pay the annual tax of two dollars due or to become due by any person or parties in his employment, and to deduct the total amount so paid on account of such person or parties from the amount of salary or wages due or to become due to him or them from such employer, upon production and delivery of the receipt therefor to such person or persons.

Court of Appeal.
Vide No. 155.

5. The Governor shall, by any writing under his hand, published in the Government Gazette or any other newspaper published in the said Colony, appoint (and from time to time, by any such writing similarly published, alter and vary such appointment at his discretion) any person or persons to be and sit as a Court of Appeal for any District or Districts, the first sitting of which shall be held on the first day of February in each year, or the first Monday thereafter, and on any subsequent days such Court may appoint during the month of February.

Who may appeal.

At such Court of Appeal it shall be lawful for any person assessed as aforesaid, who shall feel aggrieved by reason of being assessed, or by reason of the amount at which he or any other person is assessed, or by reason of some person or persons improperly omitted from the list and not assessed, either by himself or his agent, to appeal against such assessment, and the Court shall either confirm, amend, or disallow such assessment, as to them shall seem requisite, and such decision shall be final, and shall not be moved by certiorari, or otherwise, into a superior Court.

Decision final.

The Collector shall attend such Court of Appeal, when required, and shall be allowed at the rate of three dollars, out of the Public Revenue of the Colony, for each day's attendance at the said Court.

A.D. 1870.

6. In lieu of Section 22 of such Ordinance, repealed as aforesaid, be it enacted as follows:—

“Any tax due under the provisions of this Ordinance, which shall not be paid within thirty days of the period when it shall have become due, may be recovered at the suit or instance of the Collector, in a summary manner, before a Stipendiary Magistrate or two Justices of the Peace, together with the costs of the proceedings; such amount of tax and costs to be recovered by distress on the goods and chattels, wherever found, of the person liable to pay the said tax; and for the purposes of this Ordinance all trees and timber, whether severed or unsevered, shall be deemed to be goods and chattels.”

Recovery of tax by distress.

7. In lieu of Section 23 of the said Ordinance, so repealed as aforesaid, be it enacted as follows:—

“In case of the insufficiency of any such distress, the Magistrate or Justices aforesaid may make an order to cause the amount so adjudged due, or then remaining due, together with the costs of proceeding, to be paid within seven days, and thereupon and thenceforth the same shall carry interest at the rate of eighteen per cent. per annum, until paid and satisfied. All orders so made as aforesaid, shall be transmitted to and filed of record in the Land Registry Office, and entered, on the application of the Collector, as a charge against any land in respect of which the tax so in arrear shall have been made, and such order and charge shall include any costs or expenses leviable under the provisions of this Ordinance.”

In default.

Charge on the land.

8. In the case of any party or parties possessed of any interest in any real estate being absent from the Colony, without having in the Colony any known authorized agent who will pay the amount of tax assessed against such party or parties in regard of land, the land in respect of which such tax shall be assessed shall be held to be liable for the amount; and the amount of all such assessments as taxes, together with any costs due thereon, with interest on such total amount as aforesaid, shall be registered as a charge in the Land Registry Office, as aforesaid. Provided, always, that the sum assessed, as aforesaid, on the said party or parties in respect of the said land, may be recovered by summary process, on complaint of the Collector, before any Stipendiary Magistrate, or two Justices of the Peace, after proof of service of the summons, by affixing a copy thereof on some conspicuous place on the said land in respect of which such tax as been assessed, or upon the Court House (if any) of the District in which the land is situate, or if there be no Court House in such District, then upon the Court

Absentees compelled to pay tax.

A.D. 1870.

House of the adjoining District, and such posting up shall be deemed good service of such summons; and thereupon it shall be lawful to levy the amount due for taxes, with the costs of seizure and sale of the timber and improvements (if any) on the said land; such sale to be made in such manner and form as the said Magistrate or Justices shall direct.

Materials gratis for
roads, bridges, &c.

9. Provided, nevertheless, that it shall be lawful for Her Majesty, Her heirs and successors, and Her and their assignees and licensees, and all persons duly authorized in that behalf under instructions from the Lands and Works Department, to take from any country land in the Colony of British Columbia, without compensation, any gravel, sand, stone, lime, timber, or other material which may be required in the construction, maintenance, or repair of any roads, ferries, bridges, or other public works.

Short Title.

10. This Ordinance may be cited for all purposes as the "Road Amendment Ordinance, 1870."

No. 141.

A.D. 1870.

An Ordinance to make general Regulations for the establishment and management of Cemeteries in the Colony of British Columbia.

[28th April, 1870.]

Preamble.

WHEREAS it is expedient to make general Regulations for the establishment, maintenance, and management of Cemeteries in the Colony of British Columbia:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Governor may ap-
point Trustees for
Public Cemeteries.

1. It shall be lawful for the Governor, from time to time, to appoint so many Trustees as he may think fit for any public Cemetery in British Columbia; every such appointment to be published in the Government Gazette of the said Colony; and the Trustees so appointed, and their successors to be appointed as hereinafter mentioned, shall have power to hold any lands or hereditaments that may be conveyed to them by deed or grant from the Crown, or by any other sufficient deed of conveyance, on trust, for the establishment or purpose of a Public Cemetery.

Governor may re-
move such Trustees
and fill up vacant
Trusteeships.

2. The Governor of the said Colony shall have power, from time to time, to remove from the said trusts any Trustee of any such Cemetery as and when he shall think proper; and, also, on the death, resignation, or removal of any Trustee appointed under this

Ordinance, to appoint another in his stead; and every such removal and appointment shall be published in the Government Gazette; and upon the publication thereof, without any further conveyance, the legal estate in all lands and hereditaments respectively held by any such Trustee, in trust for the purposes aforesaid, shall vest in such new Trustee as the case may require, and a copy of the Government Gazette shall be deemed sufficient *prima facie* evidence of such removal respectively, in all proceedings whatsoever.

A.D. 1870.

3. It shall be lawful for the Governor, out of any part of the Public Revenues of the said Colony appropriated, or to be appropriated, for the establishment of Cemeteries, to direct such sums of money, as he may think fit, to be paid to any Trustees to be appointed as aforesaid, and to their successors, in trust for the establishment and management of any Cemetery in the said Colony; and every such sum shall, in the discretion of the Governor, be either lent to such Trustees, to be repaid out of the fees as hereinafter mentioned, or where, from the situation of the Cemetery, or any other circumstance, it shall seem improbable that such fees will be sufficient to defray any such loan, such sum shall, in such discretion as aforesaid, be paid to such Trustees, in trust for the establishment and management of the Cemetery. Provided, that in case of any sum being so lent as aforesaid, it shall be lawful for the Governor to require such security over the fees hereinafter mentioned as may be expedient, but no such security shall involve any of the said Trustees in any personal liability.

Governor may apportion public votes for Cemeteries.

4. The Trustees of any such Cemetery shall have power to enclose any land so to be granted or conveyed as aforesaid, with proper and sufficient walls, rails, fences, or palisades, and to erect suitable gates and entrances, and to lay out and ornament such Cemetery, in such manner as may be most convenient and suitable for the burial of the dead, and to embellish the same with such walks, avenues, roads, and shrubs, as may to them seem fitting and proper, and to preserve, maintain, and keep in a cleanly and orderly state and condition, and cause to be so maintained and kept the whole of any such Cemetery, and its walls and fences, and all monuments, tombstones, enclosures, buildings, erections, walks, and shrubberies therein and belonging thereto; and shall lay out and expend, subject to the directions of the Governor, the moneys in their hands, from time to time to be received by them under this Ordinance, in and about the matters aforesaid, and in the burial of poor persons.

Powers of Trustees for the care and ornamentation of Cemeteries.

5. The Trustees of any such Cemetery shall have power and authority to make such Rules and Regulations, and to do and perform, and to cause to be done and performed, all such acts, matters, and things as may be necessary and proper for any of the purposes aforesaid, and for directing the positions of all graves and

Trustees may make Rules and Regulations to govern Cemeteries.

A.D. 1870.

vaults to be made in the said Cemetery, the depths of the graves, and construction of coffins to be admitted into vaults, and the covering of vaults, so as to prevent the escape of any noxious exhalation or evaporation in the said Cemetery, and for protecting the buildings, monuments, shrubberies, plantations, and enclosures therein and thereof from destruction or damage; and shall have power to prosecute all persons who shall or may at any time do or cause to be done any damage to any such buildings, monuments, tombstones, plantations, or enclosures. Provided, that the said Trustees shall not, by any Rule or Regulation, or any act, matter, or thing, at any time interfere directly or indirectly with the performance of any religious ceremony in the burial of the dead according to the usage of the communion to which the deceased may have belonged, or with the original distribution of the said lands or hereditaments made or intended by any Deed of Grant or other Conveyance to and amongst separate and distinct religious denominations and communions. Provided, that no such Rule or Regulation shall be in force until the same has been submitted to the Governor, and published in the Government Gazette.

Ministers of all denominations to have free access to Cemeteries.

6. It shall be lawful for the Minister of any Denomination for which any portion of such Cemeteries shall be specially set apart, to have free access and admission to such portion of the said Cemeteries, at all times, as they shall respectively think fit, and freely to exercise their spiritual functions therein, without any hindrance or disturbance of the Trustees of the said Cemetery, or any person whatsoever.

Trustees may establish scales of fees for graves, monuments, &c.,

7. It shall be lawful for the Trustees of any Cemetery to permit any vault or grave to be dug and made in such Cemetery, and any monument or tombstone to be erected or placed in any parts of any such Cemetery as they may think proper, upon payment to them, by the person desiring to dig and make such vault or grave and to erect and place such monument or tombstone, of such fees as shall from time to time be established by the said Trustees; and any person so digging and making such vaults or erections, or erecting and placing such monument in such Cemetery, by and with such permission as aforesaid, and upon payment of the fees aforesaid, shall be entitled to have maintained and kept up such vault, monument, or tombstone, according to the terms of such permission, to and for the sole and separate use of such person and his representatives for ever. Provided, that a scale of all such fees shall have been previously made by the Trustees, with the consent of the Governor, and published in the Government Gazette. Provided, also, that a plan of every monument proposed to be erected and placed shall be exhibited to the said Trustees, before such permission as aforesaid is given, and that the said Trustees shall be at liberty to withhold such permission and prevent the erection of any

Same to be published.

Plans of monuments to be submitted to Trustees.

A.D. 1870.

monument which shall appear to them inappropriate or unbecoming, and shall determine and fix the position of any monument which may be proposed to be erected, according to the description, size, and character thereof, having reference to the general plan for ornamenting the said Cemetery in an appropriate manner. Provided, further, that nothing herein contained shall be deemed to prevent the said Trustees from allowing the burial of any poor person in such Cemetery, free from any charge whatsoever.

8. The said Trustees shall allow any religious body, at their own expense, to erect for their use a mortuary chapel or building for the celebration of any burial service, and the position of such building shall be left to the decision of the Trustees.

Provides for erecting mortuary chapels.

9. All meetings of Trustees of any such Cemetery shall be convened according to rules to be adopted by them for such purposes, and all questions, matters, and things which shall be discussed or considered at any such meeting shall be decided and determined by the majority in number of the Trustees then present. Provided, that the said Trustees, being three or more in number, shall not be competent to proceed to business unless there be at least two of them present; and all such Trustees shall have power to make such Rules and Regulations as may be necessary for their own guidance and management.

Rules for meetings of Trustees.

10. A full and particular account shall be kept by the Trustees of every such Cemetery, of all sums of money received and expended by them, and an abstract of such account made up from the day of their first appointment to the 31st day of December in the first year, and from the 1st day of January to the 31st day of December, both inclusive, in such subsequent year; and such account and abstract shall be transmitted to the Colonial Secretary on or before the 1st day of March in every year, and shall be verified respectively by a declaration by three, at least, of such Trustees; and every such abstract shall be published in the Government Gazette; and if any such Trustee shall wilfully make a false statement in any such declaration, in any material matter in such account, he shall be deemed guilty of a misdemeanor, and punishable accordingly; and if any such Trustee shall omit to make and transmit such accounts and abstracts, he shall, on conviction before any two Justices, forfeit and pay for every such offence a sum not exceeding one hundred dollars. The said Trustees shall send along with such account a statement of the condition of such Cemetery as to repairs, order, and ornament, and a suggestion as to the alterations necessary or expedient in the ensuing year in such repairs, order, and ornaments, and an estimate of the expense which may probably be incurred in effecting the same; and the Governor, upon examination of the said accounts, statements, suggestions, and estimates, shall direct the manner in which the balance of moneys in the

Trustees to keep proper accounts,

To be sent to Colonial Secretary.

Penalty for non-compliance.

A.D. 1870.

hands of such Trustees shall be appropriated, and shall, if any sum so lent or advanced as aforesaid is unpaid, determine the proportion (if any) to be applied in payment of such sum, and the amount to be expended in the laying out or improvement of such Cemetery in the ensuing year; and every such direction shall be published in the Government Gazette, and thereupon the Trustees shall pay such proportion as aforesaid to Her Majesty, Her heirs and successors, for the public uses of the said Colony, and in support of the Government thereof; and if no such sum shall have been lent, or if lent shall have been paid off, the balance (if any) in the hands of the Trustees shall be expended in the improvement of such Cemetery, and the interment of poor persons.

Penalty for injuring
Cemeteries.

11. If any person shall wantonly or wilfully destroy, or do, or cause to be done, any damage to any monument, vault, tombstone, building, erection, railing, fence, shrubbery, tree, or plant, in any of the said Cemeteries, he shall be guilty of a misdemeanor, and being convicted thereof before any two or more Justices of the Peace (who are hereby authorized to hear and determine in a summary way, any complaint thereof made by the said Trustees, or by any officer or servant employed by them in the said Cemetery, or by any person to whom the burial place may belong) shall be liable for every such offence to a penalty not exceeding one hundred dollars, or, at the discretion of such Justices, to imprisonment for any period not exceeding three months; and any person who shall do, or cause to be done, any injury to any such monument, vault, tombstone, building, erection, railing, shrubbery, tree, or plant, whether the same shall have been done wilfully, or wantonly, or otherwise howsoever, shall be liable to pay a reasonable sum of money by way of damages and compensation therefor, which said sum of money shall be recoverable in any Courts of competent jurisdiction in the said Colony, by the Trustees of any such Cemetery, or any person injured by such damage.

Disposal of penalties.

12. The money arising from all penalties and forfeitures imposed by this Ordinance, when recovered, shall be paid one moiety thereof to the Trustees of the Cemetery, in respect whereof any such penalty or forfeiture may have been imposed for the purposes of such Cemetery, and the other moiety to the use of Her Majesty, Her heirs and successors.

Summary jurisdiction.

13. All proceedings under this Ordinance shall be had and taken in a summary way, and no such proceeding, in pursuance of this Ordinance, shall be quashed for want of form, or be removed by certiorari or other process into the Supreme or other Court.

Cemeteries to be free
of all taxes.

14. No land acquired for Cemetery purposes under this Ordinance shall be liable to any rates, taxes, or charges, Municipal, Parliamentary, or otherwise.

Interpretation.

15. In the construction of this Ordinance the word "Governor"

shall be held to mean the Governor of this Colony for the time being, or other the Officer administering the Government of this Colony for the time being; and whenever in this Ordinance in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided or there be something in the subject or context repugnant to such construction.

A.D. 1870.
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16. This Ordinance may be cited for all purposes as the “Ceme- Short Title.
tery Ordinance, 1870.”

No. 142.

An Ordinance to assimilate and amend the Law relating to
Bills of Sale.

A.D. 1870.
—

[11th May, 1870.]

WHEREAS it is expedient that the Law relating to the Regis- Preamble.
tration of Bills of Sale of Personal Chattels be made uniform
throughout the Colony:

Be it enacted by the Governor of British Columbia, with the
advice and consent of the Legislative Council thereof, as follows:—

1. “The Bills of Sale Act, 1861,” and “The Bills of Sale Amend- Repeals former Acts.
ment Act, 1866,” of the former Colony of Vancouver Island, and
also an Act of the Imperial Parliament passed in the 17th and 18th
years of the reign of Her Majesty, chapter 36, and intituled an “Act
for preventing frauds upon creditors by secret Bills of Sale of
Personal Chattels,” shall be and are hereby repealed, save and except
that every act, matter, and thing, lawfully done thereunder, and
every right and privilege thereby acquired, shall be and are hereby
valid, and effectual, and reserved, and preserved, to all intents and
purposes as if this Ordinance had not been passed.

2. Every Bill of Sale of personal chattels made after the passing
of this Ordinance, either absolutely or conditionally, or subject or
not subject to any trusts, and whereby the grantee or holder shall
have power, either with or without notice, and either immediately
after the making of such Bill of Sale, or at any future time, to seize
or take possession of any property and effects comprised in or made
subject to such Bill of Sale, and every schedule and inventory which
shall be thereto annexed or therein referred to, or a true copy

All Bills of Sale
void as against As-
signees, unless re-
gistered within 21
days.

A.D. 1870.

thereof, and of every attestation of the execution thereof, shall, together with an affidavit of the time of such Bill of Sale being made or given, and a description of the residence and occupation of the person making and giving the same, or in case the same shall be made or given by any person under or in the execution of any process, then a description of the residence and occupation of the person against whom such process shall have issued, and of every attesting witness to such Bill of Sale, be registered as follows:— If executed in Vancouver Island and affecting property therein, by filing the same in the Office of the Registrar General of Titles in Victoria; if executed on the Mainland of British Columbia and affecting property therein, by filing the same in the Office of the Stipendiary Magistrate of the District in which the property intended to be affected is situate, or in the office of some other person appointed in that behalf; and the said Bill of Sale, or copy thereof with affidavit as aforesaid, shall in all cases hereinbefore mentioned be so filed within twenty-one days after the making or giving of such Bill of Sale, otherwise such Bill of Sale shall as against all Assignees of the estate and effects of the person whose goods or any of them are comprised in such Bill of Sale, under the Laws relating to Bankruptcy or Insolvency, or under any assignment for the benefit of the creditors of such person, and as against all Sheriff's Officers and other persons seizing any property or effects comprised in such Bill of Sale in the execution of any process of any Court of Law or Equity authorizing the seizure of the goods of the person by whom or of whose goods such Bill of Sale shall have been made, and against every person on whose behalf such process shall have been issued, be null and void to all intents and purposes whatsoever, so far as regards the property in or right to the possession of any personal chattels comprised in such Bill of Sale, which at or after the time of such Bankruptcy or of filing the Insolvent's petition in such Insolvency, or of the execution by the debtor of such assignment for the benefit of his creditors, or of executing such process (as the case may be), and after the expiration of the said period of twenty-one days, shall be in the possession or apparent possession of the person making such Bill of Sale, or of any person against whom the process shall have issued under or in the execution of which such Bill of Sale shall have been made or given, as the case may be. The affidavit aforesaid may be in the Form in the Schedule hereto annexed marked A.

If filed in Office of Stipendiary Magistrate, a duplicate to be sent to Registrar General.

3. Where such Bill of Sale, or copy thereof with affidavit as aforesaid, is filed in the Office of the Stipendiary Magistrate, or other person as aforesaid, a duplicate thereof (duly certified as in form B. in the Schedule to this Ordinance) shall be forwarded by the first opportunity, free of charge, by the Magistrate, or other person as aforesaid, to the Registrar General, to be deposited in his Office.

4. If such Bill of Sale shall be made or given, subject to any defeasance, or condition, or declaration of trust not contained in the body thereof, such defeasance, condition, or declaration of trust, shall, for the purpose of this Ordinance, be taken as part of such Bill of Sale, and shall be written on the same paper or parchment on which such Bill of Sale shall be written, before the time when the same, or a copy thereof respectively, shall be filed, otherwise such Bill of Sale shall be null and void to all intents and purposes against the same persons and as regards the same property and effects as if such Bill of Sale, or a copy thereof, had not been filed according to the provisions of this Ordinance.

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Defeasance or condition of every Bill of Sale to be written on the same paper.

5. The filing of a Bill of Sale, or a copy thereof with the affidavit, is hereinafter referred to as the registration of a Bill of Sale.

Interpretation of term "Registration."

6. The registration of a Bill of Sale shall, during the subsistence of such security, be renewed in manner hereinafter mentioned once in every period of five years, commencing from the day of registration, and if not so renewed such registration shall cease to be of any effect at the expiration of any period of five years, during which a renewal has not been made as hereby required, subject to this provision, that where a period of five years from the original registration of any Bill of Sale, prior to the passing of this Ordinance, has expired before the first day of January one thousand eight hundred and seventy-one, such Bill of Sale shall be as valid to all intents and purposes as it would have been if this Ordinance had not been passed, if such registration be renewed in manner aforesaid before the first day of January, one thousand eight hundred and seventy-one.

Bills of Sale to be re-registered every five years.

7. The registration of a Bill of Sale shall be renewed by some person filing in the office of the said Registrar General of Titles, or Stipendiary Magistrate, or other person as aforesaid, an affidavit, stating the date of such Bill of Sale, and the names, residences, and occupations, of the respective parties thereto, as stated therein, and also the date of the registration of such Bill of Sale, and that such Bill of Sale is still a subsisting security, and the Registrar General of Titles, or Stipendiary Magistrate, or other person as aforesaid, shall thereupon number such affidavit, and renumber the original Bill of Sale or copy filed in the said office with a similar number.

Affidavit of renewal.

8. Every affidavit renewing the registration of a Bill of Sale may be in the Form C. given in the Schedule to this Ordinance, and where such affidavit is filed in the office of the Stipendiary Magistrate or other person as aforesaid, a duplicate thereof, certified as such by the Magistrate or other person as aforesaid, shall be transmitted by the first opportunity by the said Magistrate or other person as aforesaid, to the office of the Registrar General, to be there deposited.

Duplicate to be sent to Registrar General.

A.D. 1870.

Books to be kept
containing particu-
lars of Bills of Sale.

9. The Registrar General, and Stipendiary Magistrate, and other person as aforesaid, shall cause every Bill of Sale, and every such schedule and inventory as aforesaid, and every such copy, and every affidavit of renewal filed in his office to be numbered; and shall keep a book or books, in which he shall cause to be entered a numerical list of every such Bill of Sale, and copy, and affidavit of renewal, containing therein the name, addition, and description of the person making or giving the same; or, in case the same shall be made or given by any person under or in the execution of process as aforesaid, then the name, addition, and description of the person against whom such process shall have issued, and also of the person to whom or in whose favour the same shall have been given, together with the number affixed to the said Bill of Sale, or copy, or affidavit of renewal as aforesaid; and the date of the said Bill of Sale, or copy, and of the registration thereof, and the date of the filing the said affidavit of renewal and all such particulars shall be entered according to the Form D. given in the Schedule to this Ordinance; and the said book, and every Bill of Sale, or copy, and affidavit filed as aforesaid, may be searched and viewed by all persons, at all reasonable times, upon payment for every search of the fee of fifty cents.

Fees to be taken.

10. The said Registrar General, and every Stipendiary Magistrate, and other person as aforesaid, shall be entitled to receive for filing every Bill of Sale, or a copy thereof, or affidavit of renewal as aforesaid (including the taking of any affidavit) the sum of two dollars, and no more; and any person shall be entitled to have an office copy or an extract of every Bill of Sale, or of the copy thereof, or of an affidavit of renewal as aforesaid, upon paying for the same at the rate of twenty-five cents per folio of one hundred words.

Before whom affidavits may be made.

11. All affidavits required by this Ordinance to be taken and made, may be taken by and made before the Registrar General, or Stipendiary Magistrate, or other person as aforesaid, or by and before any Judge, Registrar, Deputy Registrar, or Clerk of a Court having a seal, or by and before any Notary Public practising within the Colony.

How satisfaction may be entered.

12. The Registrar General, and every Stipendiary Magistrate and other person so appointed as aforesaid, is hereby empowered to enter satisfaction upon any Bill of Sale, or copy thereof, upon being satisfied that the debt (if any) for which such Bill of Sale is given as security has been discharged; but in all cases where the consent of the grantee, assignee, or mortgagee, has not been obtained, satisfaction shall not be entered without an order from a Judge of the Supreme or County Court obtained for that purpose.

Fees to be paid into Treasury.

13. All moneys, other than charges made for taking and furnishing copies of Bills of Sale, affidavits, and other documents (which shall be retained by the person taking and furnishing the

same for his own use) received by the Registrar General, and Stipendiary Magistrate, and other person appointed as aforesaid, under this Ordinance, shall be paid into the Treasury for the use of Her Majesty, Her heirs and successors.

A.D. 1870.

14. The Registrar General, and Stipendiary Magistrate, and other person appointed as aforesaid, shall keep an index book showing in alphabetical order the names of all persons making or giving Bills of Sale, and of all persons against whom process shall have issued as aforesaid, together with a cross reference to the volume and folio of the book directed to be kept as in the ninth Section of this Ordinance provided; and the Registrar General shall also keep an index book, in manner aforesaid, of all duplicates of Bills of Sale, or copies thereof, and affidavits as aforesaid, transmitted to him as hereinbefore provided.

Index book to be kept.

15. In construing this Ordinance, the following words and expressions shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say,—the expression “Bill of Sale” shall include bills of sale, assignments, transfers, declarations of trust without transfers, and other assurances of personal chattels, and also powers of attorney, authorities, or licences to take possession of personal chattels as security for any debt, but shall not include the following documents, that is to say,—assignments for the benefit of the creditors of the person making or giving the same, marriage settlements, transfers or assignments of any ship or vessel, or any share thereof, transfers of goods in the ordinary course of business of any trade or calling, bills of sale of goods in foreign parts or at sea, bills of lading, warehouse keepers’ certificates, warrants or orders for the delivery of goods, or any other documents used in the ordinary course of business as proof of the possession or control of goods, or authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of such document to transfer or receive goods thereby represented. The expression “personal chattels” shall mean goods, turniture, fixtures, and other articles capable of complete transfer by delivery, and shall not include chattel interest in real estate, nor shares or interests in the stock funds or securities of any Government, or in the capital or property of any Incorporated or Joint Stock Company, nor choses in action, nor any stock or produce upon any farm or lands which by virtue of any covenant or agreement ought not to be removed from any farm where the same shall be at the time of the making or giving of such Bill of Sale. Personal chattels shall be deemed to be in the apparent possession of the person making or giving the Bill of Sale, so long as they shall remain or be in or upon any house, mill, warehouse, building, works, yard, land, or other premises occupied by him, or as they shall be used and enjoyed by him in any place whatsoever,

Interpretation Clause.

A.D. 1870.

notwithstanding that formal possession thereof may have been taken by or given to any other person. The term "Vancouver Island," shall be held to include that part of the Colony formerly being the Colony of Vancouver Island; and the term "Mainland of British Columbia" shall be held to include the remaining portion of the Colony.

Short Title.

16. This Ordinance may be cited as the "Bills of Sale Ordinance, 1870."

THE SCHEDULE.

FORM A.

I, _____ of _____ make oath, and say as follows:—

1. That the paper writing hereunto annexed, and marked A., is a true copy of a Bill of Sale, and of every [*or, where the original is filed, "is the Bill of Sale, and every"*] Schedule or Inventory thereto annexed, or therein referred to, and of every attestation of the execution thereof, as made, and given, and executed by

2. That the Bill of Sale was made and given by the said _____, on the _____ day of _____, in the year of Our Lord One thousand eight hundred and _____

3. That I was present and did see the said _____ in the said Bill of Sale mentioned, and whose name is signed thereto, sign and execute the same on the said _____ day of _____, in the year aforesaid.

4. That the said _____ at the time of the making and giving the said Bill of Sale, resided and still resides at _____, and then was and still is

5. That the name _____ set and subscribed as the witness attesting the due execution thereof, is of the proper handwriting of me this deponent, and that I reside at _____, and am

Subscribed to, and sworn before me, this _____ day of _____ A. D. 18 _____

FORM B.

I hereby certify that the Document hereunto annexed is a Duplicate of the Bill of Sale [*or "of the copy of the Bill of Sale," as the case may be*] and of the Affidavit, as filed in this office on the _____ day of _____ 18 _____

A. B.,

Stipendiary Magistrate at

To the Registrar General.

FORM C.

A.D. 1870.

I, *A. B.*, of _____, do swear that a Bill of Sale, bearing date the _____ day of _____ 18____, and made between _____, and which said Bill of Sale [or "*and a copy of which said Bill of Sale,*" as the case may be] was filed in the office of the Registrar General of Titles, or in the office of the Stipendiary Magistrate, or _____ on the _____ day of _____ 18____, and is still a subsisting security.

Subscribed to, and sworn before me, this _____ day of _____ 18____.
A. B.

FORM D.

No.	By whom given, or against whom process issued.			To whom given.	Nature of Instrument.	Date of Instrument.	Date of Registration.	Date of filing Affidavit of Renewal	Date of satisfaction entered.
	Name.	Residence.	Occupation.						

No. 143.

An Ordinance to assimilate the Law relating to the Transfer of Real Estate, and to provide for the Registration of Titles to Land throughout the Colony of British Columbia.

A.D. 1870.

[1st June, 1870.]

WHEREAS it is expedient to establish a Registry of Titles to Real Estate throughout the Colony of British Columbia, and to assimilate the Law relating to the Transfer thereof, and for that purpose to repeal certain Acts and Ordinances hereinafter mentioned: Preamble.

Be it therefore enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Land Registry Office.

1. One calendar month after the passage of this Ordinance, there shall be established in Victoria, by notice in the Government Establishment of Land Registry Office.

A.D. 1870.

Gazette, an Office for the Record of Instruments and the Registration of Titles affecting Real Estate, which shall be styled the "Land Registry Office."

Appointment of Registrar General.

2. The Governor shall from time to time appoint a fit and proper person to perform the duties of the said office, and such person shall be a Barrister or Solicitor, admitted to practise as such in the Supreme Courts of the Colony, and shall be styled the "Registrar General of Titles;" and it shall be lawful for the Governor to assign to him a salary of not exceeding two thousand four hundred and twenty-five dollars per annum.

District Offices.

3. It shall be lawful for the Governor to establish, in such other parts of the Colony as he shall determine, District Offices for the Recording of Instruments and Registration of Titles affecting Real Estate situate within such Districts, and to appoint fit and proper

Deputy Registrars.

persons, to be styled "Deputy Registrars," to perform the duties of such office; and in every such appointment the limits of the District shall be defined. Every act done by any Deputy Registrar shall have the like force and effect as if done by the Registrar General; and every such Deputy Registrar shall have and possess the like qualifications as are required of the Registrar General.

Office hours.

4. The Registrar shall keep the Land Registry Office open for the transaction of business on every day, except such days as may be appointed by the Governor as a general or public holiday, or Christmas day or Good Friday, from the hour of ten in the forenoon until the hour of four in the afternoon, and on Saturdays from the hour of ten in the forenoon until the hour of one in the afternoon; and it shall not be lawful for him, whilst he holds office, to practise within the Colony as a Barrister, Solicitor, or Conveyancer.

Registrar not to practise.

Registrars to give security.

5. Every Registrar to be appointed as aforesaid, shall give security for the due performance of his duties, in such manner, and to such amount, and shall take such oath on entering on his office, as the Governor shall deem fit.

Registrar may appoint a Deputy.

6. The Registrar may, subject to the approval of the Governor, nominate a Deputy in his office, of the like qualification with the Registrar, and may remove him and appoint another in his place whenever he thinks it necessary; and in case of the death, resignation, removal, or forfeiture of office of the Registrar, the Deputy Registrar shall do and perform all and every act, matter, and thing necessary for the due execution of the said office, and such appointment shall be notified, from time to time, in the Government Gazette; and it shall not be lawful for any Deputy Registrar, whilst he holds the office, to practise within the Colony as a Barrister, Solicitor, or Conveyancer. Every Deputy Registrar, before he enters on the execution of his office, shall take the same oath appointed to be taken by the Registrar.

Repeal of Acts.

A.D. 1870.

7. Immediately after the establishment of the said Land Registry Office, the "Land Registry Act, 1860," and the "Land Registry Amendment Act, 1865," of the former Colony of Vancouver Island; and, also, the "British Columbia Land Registry Act, 1861," and the "British Columbia Land Registry Extension Ordinance, 1864," shall be and are hereby repealed; save and except that all acts, matters, and things lawfully done thereunder shall not thereby be affected, and all rights and interests created by the said Acts and Ordinances, or any of them, shall be and are hereby expressly preserved and reserved in like manner as if this Ordinance had not been passed, and notwithstanding anything herein contained to the contrary; and, in particular, the rights and emoluments of office enjoyed by or belonging to the Registrar General of British Columbia, under the said "British Columbia Land Registry Act, 1861," and the "Crown Officers' Salaries Act, 1863," are hereby preserved and reserved. Upon the establishment of the said Office, all records and documents then being in the Land Registry Office, at New Westminster, shall be transmitted to the Land Registry Office, at Victoria, and form part of the records of the said Office.

Repeals previous Acts.

Records to be transmitted to head office.

Acknowledgments of Execution of Deeds.

8. Before any deed or instrument executed subsequently to the 8th day of October, 1865, other than a Decree, Judgment, or Order of a Court of Civil Jurisdiction, is recorded or registered, and to entitle the same to be so recorded or registered, the execution thereof shall first have been acknowledged or proved in the manner hereinafter provided, and such fact of acknowledgment or proof shall appear by a certificate under the hand and seal of the proper officer or other person authorized to take such acknowledgement, endorsed upon or attached to such deed or instrument.

All Deeds to be acknowledged.

9. The acknowledgment or proof of execution of all instruments hereby authorized to be recorded or registered,

Before whom acknowledgments to be made.

If acknowledged or proved within the Colony, may be made—

To the Registrar or Deputy Registrar;

Or, to any Stipendiary Magistrate of the Colony, or of any town or district thereof;

Or, to any Judge or Registrar of a Court having a seal;

Or, to any Notary Public practising within the Colony.

And, if acknowledged or proved without the Colony, and within the British Dominions, may be made—

To any Judge of a Court, or Clerk or Registrar of any Court, having a seal;

Or, to any Notary Public;

Or, to any Magistrate of any town or district within the said Dominions, having a seal of office;

A.D. 1870.

Or, to any person commissioned in that behalf by the Governor (who is hereby authorized to appoint such and so many persons as he may think fit).

And, if acknowledged or proved without the British Dominions, may be made—

To any British Ambassador, Charge d'Affaires, or Minister, Consul or Consular Agent appointed to reside in the country where such acknowledgment or proof is made;

Or, to any Judge of any Court of Record having a seal;

Or, to any Notary Public practising in such country, duly certified to be a Notary Public by some British Ambassador, Charge d'Affaires, Minister, Consul, or Consular Agent.

And every such acknowledgment of instruments executed without this Colony shall be sufficient to entitle the same to be recorded or registered, notwithstanding anything in this Ordinance contained to the contrary, and particularly the provisoes in Section 11 hereinafter following.

Persons making acknowledgments to appear in person.

10. No acknowledgment of the execution of any instrument affecting any real estate within this Colony shall be taken, unless the party offering to make such acknowledgment shall appear before the Officer taking the same, and unless such party shall either be personally known to the Officer, or his identity be proven by the oath or affirmation of a competent witness, and such certificate of acknowledgment shall recite in substance and legal effect the facts required by this section.

By whom acknowledgments may be made.

11. Acknowledgments and proofs of the execution of instruments entitled to be registered or recorded may, for the purposes of this Ordinance, be made by,—

- (1.) The party executing in person such instrument:
- (2.) The attorney in fact, when such instrument is executed by an attorney in fact:
- (3.) The Secretary of any Corporation, when such instrument is executed by such Secretary:
- (4.) A subscribing witness to such instrument.

Recitals in acknowledgments.

Provided, always, that no acknowledgment of any party executing in person such conveyance, deed, or other instrument shall be taken, unless in addition to what is required by Section 10 of this Ordinance, such party acknowledge that he is the person mentioned in such instrument as the maker thereof, and whose name is subscribed thereto as a party, that he knows the contents thereof, and that he executed the same voluntarily; and such certificate of acknowledgment shall, in addition to what is required by Section 10 to be recited, recite in substance and legal effect the facts required by this proviso. And provided, also, that no acknowledgment by an attorney in fact shall be taken unless, in addition to what is

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required by Section 10 of this Ordinance, such attorney in fact shall acknowledge that he is the person who subscribed the name of (naming the maker) to the instrument, that said (naming the maker) is the person mentioned in the instrument as the maker thereof, that (naming the attorney in fact) knows the contents of the instrument, and subscribed the name of (naming the maker) thereto voluntarily, as the free act and deed of the said (naming the maker); and such certificate of acknowledgment shall, in addition to what is required by Section 10 to be recited, recite in substance and legal effect the facts required by this proviso. And provided, also, that no acknowledgment by the Secretary of any Corporation shall be taken unless, in addition to what is required by Section 10 of this Ordinance, such Secretary acknowledge that he is the person who subscribed his name and affixed the seal of such corporation as the Secretary to such instrument, and that he was first duly authorized to subscribe and to affix the said seal to the same; and such certificate of acknowledgment shall, in addition to what is required by Section 10 to be recited, recite in substance and legal effect the facts required by this proviso. And provided, also, that no acknowledgment by a married women shall be taken unless, in addition to what is required by Section 10, such married woman shall be first made acquainted with the contents of the instrument, and the nature and effect thereof, and shall acknowledge on examination apart from and out of hearing of her husband, that she knows the contents of the instrument and understands the nature and effect thereof, that she executed the same voluntarily, without fear or compulsion or undue influence of her husband, that she is of full age and competent understanding, and does not wish to retract the execution of the same; and every such certificate of acknowledgment shall, in addition to what is required by Section 10 to be recited, recite in substance and legal effect the facts required by this proviso. And provided that no acknowledgment or proof by a subscribing witness shall be taken unless, in addition to what is required by Section 10 of this Ordinance, such subscribing witness shall acknowledge that he is the person whose name is subscribed to the instrument as a witness, and shall prove that (naming the maker) whose name is subscribed thereto as the maker did execute the same; and such certificate of acknowledgment or proof shall, in addition to what is required by Section 10 to be recited, recite in substance and legal effect the facts required in this proviso. Provided, also, that the acknowledgment or proof of instruments required to be made or done as hereinbefore mentioned, may be in the forms in the Third Schedule hereto.

12. Every instrument which shall be acknowledged or proved and certified as in this Ordinance prescribed, shall, together with the certificate of acknowledgment or proof, be read in evidence in all Courts of Law and Equity, without further proof of execution,

Instruments acknowledged may be read in evidence.

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and in the case of a married woman without any other acknowledgment.

Where witness or grantor is dead.

13. When the witness to any deed or instrument affecting real estate, or the grantor or other person divested of property therein, named has died, or is absent from the Colony, or under disability, and neither such witness nor grantor is within the Colony, it shall be lawful for the Registrar, on being satisfied of the fact, and upon the testimony of any person acquainted with the signature of such witness, grantor, or other person as aforesaid making affidavit of his belief that the signature is the writing of the person it purports to be, stating his reasons therefor, to receive such instrument for the purpose of record or registration, in like manner as if such signature had been acknowledged according to the foregoing provisions.

Transcript of Deeds.

Instruments may be recorded by copy.

14. It shall be the duty of the Registrar, when requested, and upon payment of the proper fees, to record in books to be kept for that purpose, and to be called the "Record of Conveyances," the "Record of Pre-emption Claims," the "Record of Mortgages," the "Record of Wills," and in other books with appropriate titles, all deeds and instruments in any manner affecting real estate or the title to any interest therein, by correctly transcribing or copying the same, together with every endorsement thereon or certificate attached thereto, word for word, letter for letter, figure for figure, sign for sign, erasure for erasure.

Cross references.

15. References to such record shall be made in the register books of the title to which such instruments relates.

Office copies may be received in evidence.

16. The record of any such instrument as aforesaid (except a will or codicil) or any copy of the same, duly certified by the Registrar may, in the absence of the original when the absence of such original is duly accounted for, and if produced by a party not having the control of the original, be read in evidence in all Courts of Law and Equity without further proof; but the production of such copy shall not preclude the Registrar from requiring the production of the original documents in those cases when such production may be deemed necessary for the purpose of registering any title thereunder, as hereinafter provided.

Transmission of records to District Office.

17. Upon the opening of any District Office, a transcript of the records and registrations affecting real estate in such District, prior to such opening, shall be sent to the Registrar of such District by the Registrar General, and shall be kept in such District Office as part of the records of such office.

Endorsement of record.

18. The Registrar shall endorse on every instrument so recorded, a memorandum of the date of such record, and a reference to the

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be endorsed the day and hour of receipt, as in the memorandum last mentioned:

All documents of title and other papers, shall thereupon be transmitted by the Magistrate, through the General Post Office, as a registered letter, without charge to the applicant, to the Registrar General at Victoria:

When registration or record has been effected, the necessary deeds and papers, together with a memorandum of the fees thereon, shall be returned by the Registrar General to the Magistrate, who upon receipt of the said fees shall deliver the same to the applicant:

Not responsible for loss by transmission of documents.

No Magistrate or Registrar shall be responsible for any damage or loss occasioned by, or consequent upon, the transmission of documents as aforesaid, except the same shall occur from his own wilful neglect or default.

Limits of Districts.

22. The limits of the Districts aforesaid shall be defined by the Governor, and varied from time to time, by notice in the Government Gazette, and thereupon all applications for record and registration may be made to the Stipendiary Magistrate of the District until a Deputy Registrar be appointed for such District as aforesaid, and then to such Deputy Registrar only.

Description of parcels.

23. The description of parcels shall in all cases where possible be that contained in the instrument which vests the property in the person whose title is registered, and the Registrar shall have power to call for evidence of identity of any such parcels with the original grant or conveyance of such land before effecting registration.

Cross references.

24. The Registrar shall enter in the Absolute Fees Book a cross reference to the volume or folio of the Register of Charges in every case where the title to the absolute fee has been registered. The Registrar shall after registration endorse on every deed or instrument produced by the applicant for proof of his title a memorandum in the Form marked G. in the said First Schedule.

Production of Documents.

On non-production of document notice to be given to holder.

25. Whenever any document required for the proof of title cannot be produced by the applicant, by reason of its being in the possession of a mortgagee or other person who refuses to produce the same, the Registrar shall, upon being satisfied that the applicant has a prima facie title, first give notice in writing to the holder or owner of such document of his intention to register the same at the expiration of the time specified in the said notice, which shall not be less than one week, and not more than three months, at the discretion of the Registrar. The said notice may be in the Form marked H. in the said first Schedule; and after proof, by affidavit, of service of the same on the holder or owner of the document aforesaid, or on his duly appointed attorney, the

Registrar shall proceed to the registration of the title of the applicant.

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26. Upon every registration of title in favour of an owner in fee simple, mortgagee, or other person by right entitled to the possession of documents of title, the Registrar shall require the person requiring to be registered as owner in fee, mortgagee, or otherwise, to produce the title deeds of the property to which such registration may be intended to refer, unless the non-production of such title deeds, or any of them, be satisfactorily explained to the Registrar, on affidavit duly made.

Title Deeds to be produced unless non-production explained.

27. The Registrar may effect registration of the absolute fee as well at the instance of several persons, who together are entitled to the complement of the absolute fee, as also of any joint tenant or tenant in common.

Joint tenants, &c.

28. The husband of any female registered owner of an absolute fee shall be entitled to be registered as co-owner with his wife, but he shall be described on the register as co-owner in right of his wife, and on his death the original registry of the wife, with a change, if necessary, in the name, shall revive and confer the same rights as if her husband had never been registered as co-owner with her, save as to acts done in his life time with her consent and duly acknowledged.

Husband co-owner with wife.

29. Where two or more persons are interested in distinct estates or interests in the same land, by way of remainder or otherwise, the first owner of an estate of inheritance shall be registered as the owner of the absolute fee, and the interests or estates of the others or other shall be registered by means of a charge or charges. Provided, however, that in any certificate of title granted by the Registrar under this section the owner of such estate of inheritance shall not appear to be possessed of a larger or different estate than that to which he is by law entitled; and provided also, that all subsequent estates or charges shall duly appear on such certificate.

Remainder-men.

30. A charge may be registered as well in respect of a present and vested right, as of a future or contingent interest.

Future and contingent interests.

31. Whenever any instrument is produced for the purpose of registration of any title purporting to convey the real estate of a married woman, or of any interest therein, it shall be sufficient, so far as the execution of such instrument is concerned, and in order to entitle the same to be registered, that the married woman have made an acknowledgment of execution, in the manner and form provided in Section 11 of this Ordinance; and every instrument so acknowledged by any married woman, and registered, shall be as effectual to all intents and purposes to pass all the estate, right, title, and interest of the married woman by whom the same is executed, in the land to which the same relates, as if she had been

Acknowledgment by married women.

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unmarried, any Law, and in particular the Act of the 3rd and 4th year of King William the Fourth, Chapter 74, commonly known as the "Fines and Recoveries Act," to the contrary notwithstanding.

Certificate by Surveyor General.

32. The Surveyor General may, and he is hereby required (when called upon) to give a certificate of payment of all or any of the instalments due on lands purchased or pre-empted, in the form marked I. in the said first Schedule, and such certificate shall be sufficient authority for the Registrar to enter up satisfaction, and cancel any charge registered against any such lands.

Equitable mortgage not to be registered.

33. No equitable mortgage or lien created simply by a deposit of title deeds and memorandum thereof shall be deemed to entitle the person interested to registration under this Ordinance.

Where disability of infancy, &c.

34. The Registrar may, on the application of the guardian of any minor, the committee of any lunatic or person of unsound mind, or the next friend of any married woman, or the duly authorized agent of any minor, lunatic, or married woman, and on production of an order by some Court of competent jurisdiction for that purpose, enter a charge in his or her behalf, in respect of any interest in land held or possessed by him or her while under the disability of infancy, lunacy, unsoundness of mind, or coverture, upon being satisfied of such infancy, lunacy, unsoundness of mind, or coverture.

Certificate of Title.

Certificate of Title.

35. The Registrar shall, upon the registration of every absolute fee, issue a certificate of title to the person who shall have effected registration, in the Form marked J. in the said first Schedule, and shall fill up a docket or memorandum thereof, and retain the same in his office; and if any certificate of title shall be lost or destroyed, the Registrar may, upon being satisfied by affidavit of the applicant, or of some other person, of the truth thereof, and upon advertisement of his intention so to do, published for one month, at least, in some one or more of the newspapers published in the Colony, (at the discretion of the Registrar) issue a fresh certificate of title, in lieu of that so lost or destroyed. Such certificate shall bear on the face of it, that it is a duplicate, and reference shall be made therein to the affidavit upon which it has been granted. Every certificate of title shall be received as prima facie evidence in all Courts of Justice in the Colony, of the particulars therein set forth.

Interest of registered owner of absolute fee;

36. The registered owner of an absolute fee shall be deemed to be the prima facie owner of the land described or referred to in the register, for such an estate of freehold as he legally possesses therein, subject only to such registered charges as appear existing thereon, and to the rights of the Crown.

Of charge.

37. The registered owner of a charge shall be deemed to be prima facie entitled to the estate or interest in respect of which he

is registered, subject only to such registered charges as appear existing thereon, and to the rights of the Crown. A.D. 1870.

38. The time at which application for registration shall be deemed to have been made, shall be the time when the form of application referred to in Clauses 19 and 20 of this Ordinance is filled up and signed by the applicant. Time of application.

Priority.—Notice.

39. When two or more charges appear entered on the register, affecting the same land, the charges shall, as between themselves, have priority according to the dates at which the applications respectively were made, and not according to the dates of the creation of the estates or interests. Priority of registration creates priority of title.

40. No purchaser for valuable consideration of any registered real estate, or registered interest in real estate, shall be affected by any notice express, implied, or constructive of any unregistered title, interest, or disposition affecting such real estate, other than a leasehold interest in possession for a term not exceeding three years, any rule of law or equity notwithstanding. No purchaser for value affected by any notice not on the Register.

41. The registration of a charge shall give notice to every person dealing with the real estate against which such charge has been registered, of the estate or interest in respect of which such charge has been registered, but not of the contents of such instrument. Notice conveyed by charge.

42. In every case in which any instrument shall have been executed by attorney, the power of attorney, or duly certified copy thereof, shall be filed in the office of the Registrar, and the application for registration shall not be deemed to have been made until such power of attorney, or duly certified copy thereof, shall have been delivered to the Registrar for that purpose. Powers of attorney to be filed.

43. All powers of attorney, or duly certified copies thereof, filed in the office of the Registrar, shall be numbered by him in rotation, and he shall endorse thereon the day and time when filed, and an appropriate index, to be called the "Index of Powers of Attorney," shall be kept by the Registrar, in which reference shall be made by him to each power of attorney, or duly certified copy thereof, filed in his office, and the distinguishing number thereof. Index of powers of attorney to be filed.

Trust Estates.

44. Whenever any land, or any estate or interest therein, is vested in any Trustee or Trustees, no entry of the trusts created or declared in respect of the same shall be made in the register, but the title of the Trustee or Trustees shall be registered in like manner as if he or they were beneficially entitled. It shall be lawful, however, for any person entitled to any estate or interest in the land so vested in Trustees, to apply to the Registrar, and the Registrar is hereby authorized and required to enter against the registra- Protection of trust estates.

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tion of the title of such Trustees the words "no survivorship;" and whenever such words shall be so entered, it shall not be lawful for any less number of Trustees than the number named in the instrument, to sell, transfer, or otherwise dispose of the land, estate, or interest, without obtaining the sanction of the Court, by order or petition of course, under the provisions hereinafter contained; and the Court is hereby authorized to make such order in the premises as to the appointment of new Trustees, or otherwise, and for the registration of the title to such land, as shall be just and proper.

Transfers.

Transfer of registered estates.

45. When any conveyance or transfer is made of any registered real estate, or interest therein, the transferee or grantee shall be entitled to be registered as the owner of the same estate or interest then held by or vested in the transferor or grantor; and in the case of an absolute fee, a new certificate of title shall be issued to such transferee or grantee, on the production and cancellation of the former certificate. Where a portion only of the real estate included in any certificate of title has been transferred, a memorandum of such transfer shall be endorsed thereon.

Short form of transfer.

46. Every transfer or conveyance, in the Form marked K. in the Schedule hereto, shall confer upon the person to whom it is made, his heirs and assigns (or to his executors, administrators, and assigns, as the case may be) all the estate and interest of the transferor or grantor, whether legal or equitable at the date thereof, subject, however, to any charge that may appear on the register against the same; and, also, to any unregistered leasehold interest in possession, for a term not exceeding three years, and the same transfer or conveyance shall pass to the transferee or grantee, his heirs and assigns (or executors, administrators, and assigns, as the case may be) the full and entire benefit of all covenants and agreements in respect of, and all powers, provisoes, and conditions of entry, sale, leasing (if any) over the real estate, the subject matter of the transfer to which the transferor was entitled, and which may be thereby intended to be transferred at the time of such transfer; and if the estate or interest so transferred be that of a mortgagee, such transfer shall also confer on the transferee, his executors, administrators, and registered assigns the full benefit of and right to sue upon any covenant for payment of the mortgage moneys and interest thereon.

Indefeasible Title.

Application for certificate of indefeasible title.

47. The owner in fee of any land, the title to which shall have been registered for the space of seven years, may apply to the Registrar for a certificate of indefeasible title, but he shall first—

Make an affidavit, that to the best of his knowledge, information, and belief, all deeds and documents, maps, plans, and papers (with

a list thereof annexed) relating to the title to the land in question have been produced to the Registrar, or the cause of the non-production of any fully and fairly explained, and that all facts material to the title have been fully and fairly disclosed; and where no plan is registered, a plan shall be produced and filed with the Registrar.

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The applicant shall also make an affidavit of, and state fully, all incumbrances, estates, rights, and interests (if any) which in any manner affect his title, and subject to which he seeks to have a certificate of indefeasible title granted.

The Registrar shall, upon being satisfied of the truth of the statements made in the said affidavits, cause an advertisement to be inserted in the Government Gazette, and in one or more of the newspapers published in the Colony, and elsewhere if necessary, for a space of not less than three months, stating his intention of issuing the certificate of indefeasible title applied for, on a day to be named in such advertisement, unless a valid objection thereto be made in the meantime to him in writing, by any person having an estate or interest in the land sought to be included in such certificate, or any part thereof.

48. If no valid objection be made, the Registrar shall issue a certificate of indefeasible title to the applicant, in the Form marked L. in the said First Schedule, a duplicate of which shall be retained by the Registrar. Form of certificate;

49. The certificate of indefeasible title shall be conclusive evidence in all Courts of Justice that the person therein named is the absolute owner of an indefeasible fee simple in the real estate therein mentioned against the whole world (the Crown only excepted), but subject as therein is expressly set forth; and no such certificate shall be impeached or defeasible on account of any error, omission or informality in the registration of title, or any proceeding connected therewith; and, notwithstanding the existence in any other person of any estate or interest in the land, and except in the case of fraud, the registered owner thereof, or of any estate or interest therein, in respect of which a certificate of indefeasible title has been granted, shall hold the same, subject only to such incumbrances, liens, estates, charges, or interests as appear on the register, but absolutely free from all other incumbrances, liens, estates, charges and interests whatsoever, except any lease in possession for a term not exceeding three years, and excepting the rights of the Crown. and effect thereof.

50. Whenever any property shall have been devised or bequeathed by will or codicil, and the person claiming title thereto through or under the testamentary disposition shall apply for registration of the testamentary disposition, or of any instrument affecting the property executed subsequent to the decease of the testator, the application for registration shall not be deemed to have been In case of title under a will, probate must first be granted.

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made until the testamentary disposition shall have been proved in the Supreme Court of the Colony, or letters of administration with the testamentary disposition annexed shall have been granted by the said Court, or by some other Court of competent jurisdiction, and the probate or letters of administration, or an official copy thereof, respectively shall have been produced to the Registrar.

Contested Titles.

Title may be contested by filing an issue.

51. Any person interested in real estate, the title to which has been registered, and desirous of contesting such registration may file an issue, in the Form marked M. in the said First Schedule. The Registrar shall thereupon enter a memorandum of such issue against the real estate or interest referred to, in like manner as charges are entered, and within three months thereafter the person filing such issue shall bring an action, or file a bill (as the case may require) against the person whose title is contested, and the Court shall make such order, or give such judgment thereon, as to the cancellation or amendment of such registration, or otherwise, as the nature of the case shall require.

Cancellation of issue.

52. If such bill or action be not filed or brought as aforesaid, the Registrar may cancel such issue on the application of the person whose title is contested, and such person shall be entitled to recover all costs, charges, damages, and expenses which he may have sustained by reason thereof against the party who has filed the said issue.

Judgments.

Judgment to be registered in order to bind lands.

53. The Registrar shall, on the application of any person in whose favour a judgment has been obtained in any Court of Civil Jurisdiction in the Colony, register a charge in respect thereof, in manner aforesaid, against the real estate of the judgment debtor, on delivery to him of a certificate under the hand of the Registrar of the Supreme Court, or under the hand of a Judge or Registrar of any County Court of British Columbia. Every such judgment shall, so soon as it has been duly registered, affect and bind all the lands belonging to the judgment debtor at the time of the registering thereof, or at any time afterwards, and shall operate as a charge upon and shall affect and bind all lands of or to which such person was at the time of registering such judgment, or at any time afterwards became, seised, possessed, or entitled for any estate or interest whatever, at law or in equity, whether in possession, reversion, remainder, or expectancy, or over which such person had at the time of registering such judgment, or at any time afterwards, any disposing power which he might without the assent of any other person exercise for his own benefit, and shall be binding upon the person against whom judgment has been so entered and registered, and against all persons claiming under him after such judgment and registry, and shall also be binding as against the issue of his

body, and all other persons whom he might without the assent of any other person cut off and debar from any remainder, reversion, or any other interest in or out of the said lands, tenements, or hereditaments, and every judgment creditor shall have such and the same remedies in a Court of Equity against the lands so charged as aforesaid, as he would be entitled to in case the judgment debtor had power to charge and had charged the same with the amount of such judgment debt and interest, and all such judgments shall be claimed and taken to be valid and effectual according to the priority of registering such certificates. Every judgment so registered as aforesaid shall cease to be a charge on or to affect any lands or any interest therein, on the expiration of three years from the day on which registration was effected, unless registration thereof be renewed in manner hereafter provided. The registration of any judgment so registered as aforesaid may be renewed from time to time, and when renewed it shall continue in force for a period of three years from the day on which the last renewal shall have been effected. The Registrar shall from time to time, on delivery to him of an application in writing under the hand of the plaintiff in any action, or of other the person entitled to receive the judgment debt, or any part thereof, or his attorney, before the expiration of three years from the day on which the registration, or the renewal, or last renewal of registration (as the case may be) of any judgment shall have been effected, permit such registration to be renewed by transcribing on the register of judgments a copy of the original entry, and it shall be the duty of the Registrar to mark and sign in the margin of the register of judgments and opposite the transcription, "Renewed this day of A. D. 18 ."

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Judgments to be renewed after three years.

54. Any person who shall have filed a bill, or commenced an action in respect of any real estate, may register a *lis pendens* against the same by means of a charge.

Lis Pendens.

55. The Attorney General may, in behalf of the Crown, register a Crown debt against the real estate of any debtor to the Crown, in like manner as other charges are registered, and no Crown debt shall affect any lands or real estate of a Crown debtor unless and until the same be registered.

Crown debts to be registered.

Reference to the Court.

56. Whenever any special circumstances, or on account of the title being doubtful, the Registrar declines to effect registration thereof, or to do any act or thing liable to be done under the provisions of this Ordinance, and deems it desirable that the matter be heard and decided by the Court, he shall notify the same to the applicant in writing, stating briefly the reasons therefor, and the applicant is thereupon and hereby authorized to petition the Court or Judge in a summary way, praying that his title and interest may be declared, and that the Registrar may be ordered to effect registration.

Registrar may refer matters to Court.

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tration thereof, and for such other relief as the nature of the case may require; and the Court or any Judge thereof is hereby authorized and empowered to hear such petition, and make such order thereon after such notices, and on such terms as it or he shall think fit.

Affidavits to be filed
in support.

57. The petition aforesaid shall be supported by the affidavit of the applicant, and of other persons if necessary, stating fully and fairly all the material facts of the case, and that to the best of the information, knowledge, and belief of the deponent, all the facts and things material to the title, have been fully and fairly disclosed to the Court or Judge.

Caveat may be
issued.

58. The Court or any Judge thereof may, on the application of any person interested in real estate, or on any application made on behalf of the owner of a future or contingent interest, by petition or otherwise, make an order, or issue a caveat, inhibiting any dealing with, or registration of, such real estate, and annex thereto any terms and conditions it or he may think fit.

Service of order on
Registrar.

59. The service upon the Registrar of any copy of any order of the Supreme Court, or any Judge thereof, or of any order, decree, rule, judgment, or any other proceeding, touching the registration of real estate shall, without more, be sufficient authority for him to act in compliance therewith.

Effect of registration
under order of
Court.

60. All registrations of absolute fees or charges made in pursuance of any such order as aforesaid, shall stand in precisely the same position, and shall have such force and no other, as registrations of the absolute fee or charges made under the ordinary provisions of this Ordinance.

Attendance of Re-
gistrar in Court.

61. The Registrar shall attend upon the Court or Judge whenever his evidence may be deemed necessary, but his costs and expenses shall be borne by the person making application for or requiring his attendance.

Cancellation of Charges.

Cancellation of
charges.

62. When any Crown debt, judgment, charge, or issue has been satisfied or discharged in whole or in part, or any interest in land surrendered or released, the Registrar shall, upon satisfactory proof thereof, enter the particulars in a book to be called "The Satisfaction Book," in the form marked N. in the said first Schedule, and shall also cancel the entry thereof on the register of charges, by writing thereupon a memorandum in the form marked O. in the said first Schedule, and shall also cancel the entry made against the registration of the absolute fee, by writing over the same the word "Cancelled" (in whole or in part).

Effect of cancella-
tion.

63. In every case of cancellation of a charge, Crown debt, or judgment, the estate or interest, in respect of which such charge, Crown debt, or judgment shall have been registered, shall be

deemed to be discharged and released from the date of the satisfaction or discharge and release of the same, and not from the date of entry thereof on the register; and in those cases where a reconveyance, surrender, or transfer, would have been otherwise necessary, such memorandum of satisfaction and entry of particulars as aforesaid, shall operate as a reconveyance, surrender, or transfer, and the charge, Crown debt, or judgment shall no longer affect the real estate in respect of which it was registered.

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Maps.

64. When any person applies for registration of the whole or a portion of an entire lot or section of land, he shall, if so required by the Registrar, deposit a map thereof properly authenticated, or append the same to the instrument conveying the said land, and reference to such map shall be made by the Registrar and entered by him in the parcels books, and such map shall be drawn on a scale, in the case of land situated in any District, of not less than four inches to a mile, and in the case of land situated in any Town on a scale of not less than one chain to an inch, or on such scale respectively as the Registrar shall require, in order that the land may be clearly and conveniently shown.

Registrar may require map to be deposited or appended to Deed.

65. The Surveyor General of the Colony shall, as soon as conveniently may be, and from time to time deposit in the Land Registry Office, when requested so to do by the Registrar, copies of all Public Official Maps in his custody, duly authenticated by his signature.

Surveyor General to deposit copies of official maps.

66. It shall be lawful for the Registrar to exercise the following powers (that is to say): he may require any person desiring to effect any registration or cancellation of registration, or any other act, matter, or thing, to produce any grant, certificate of title, conveyance, bill of sale, mortgage, deed, lease, will, or any other instrument in his possession, or within his control affecting such land, or the title thereto; and he may, for the purposes of this Ordinance, administer oaths, or in lieu of administering an oath, may require any person examined by him to make and subscribe a declaration of the truth of the statement made by him in his examination. And it shall further be lawful for the Registrar, upon such evidence as shall appear to him sufficient in that behalf, to correct errors in entries made, and supply entries omitted to be made under the provisions of this Ordinance. Provided, always, that in the correction of any such entry, he shall not erase or render illegible the original entry, and shall in correcting or supplying any entry, affix his initials thereto, and the date of such correction, and correction so made, and omission so supplied shall have the like validity and effect as if such error had not been made, or such entry omitted, except as regards any registration or filing which may have been entered in any of the register books previously to the actual time of correcting the entry, or supplying the omitted entry.

Authority of Registrar to require production of documents.

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Acknowledgments,
&c., may be made
before Registrar.

Applications by
Agents.

67. All acknowledgments, affidavits, oaths, and declarations necessary for the purposes of this Ordinance, may be taken by and made before the Registrar.

68. Applications for registration or record may be made by the Counsel, Solicitor, Attorney, or duly authorized agent of any person on his behalf, and such agent may do all other acts and things according to the provisions of this Ordinance, as lie within the scope of the authority given to him.

Index Books.

Index of absolute
fees and charges.

69. The Registrar shall keep separate index books of the owners of absolute fees and charges in alphabetical order, with a reference opposite each name to the volume and page of the register where the estate or interest is registered.

List of lands regis-
tered.

70. The Registrar shall keep indices arranged under appropriate headings, as to towns and districts, of all lands registered, in which reference shall be made to all sections and lots, in numerical order, and the entries in the register affecting each particular section or lot shall be posted in the proper index against the land to which they relate.

Index of records to
be kept.

71. The Registrar shall also keep an index of all records which shall be made under Section 14, both as to the property and owner, in like manner as in the two last sections are provided.

Index of judgments,
&c.

72. The Registrar shall keep a separate index of every judgment, Crown debt, and *lis pendens* registered, arranging in alphabetical order the names of the persons against whom the same has been registered.

Maps and Deeds may
be deposited.

73. Maps or plans, and instruments of title, relating to real estate, may be deposited with the Registrar from time to time for safe keeping, on payment of the proper fee; and the Registrar shall keep an index of all maps or plans and instruments of title so deposited, specifying the name of the depositor, the parcels to which the map or plan, or instrument relates, and the volume and page of the parcels book in which the real estate is described, and shall also endorse on the map or plan, or instrument deposited, a memorandum containing a distinguishing number and the date of deposit.

Official Seal.

Seal.

74. The Registrar shall have an official seal inscribed with the words "The Land Registry Office of British Columbia," and the seal of a Deputy Registrar shall have in addition the name of the District inscribed thereon. Every paper, writing, or instrument issued by the Registrar, shall be impressed with the seal, and shall thereupon be admissible in evidence without proof of such sealing.

Fees.

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75. The fees mentioned in the second Schedule hereto annexed, Fees. shall be taken by the Registrar, and paid into the Colonial Treasury, for the use of Her Majesty, Her heirs and successors. Provided, always, that it shall be lawful for His Excellency the Governor, from time to time, to direct that the fees which shall be received under the authority of this Ordinance, shall be applied under such regulations as he shall appoint in payment of the current or incidental expenses of the said Land Registry Office, or any of them. All fees received by any Magistrate for acknowledgment of deeds or any other matter or thing done under the provisions of this Ordinance, shall be paid into the Colonial Treasury for the uses as aforesaid, and duly accounted for.

76. The per-centage to be paid on the registration of an absolute fee, shall be calculated on the market value of the property at the time of application for registration, and in case of dispute, the value shall be settled by the Registrar, upon such proof as he may deem sufficient. Per-centage how reckoned.

77. If the deeds constituting a title have been registered, and are allowed to remain in the office for six months thereafter, the same fee shall be charged as if they had been deposited. When Deeds are left in the office.

78. Any person dissatisfied with any decision or act of the Registrar, may obtain a rule from the Court for the Registrar to show cause why he should not do or omit the thing complained of, but in every instance the costs shall be in the discretion of the Court or Judge. Persons dissatisfied may obtain rule to show cause.

79. The Registrar individually shall not, save as aforesaid, nor shall any person acting under his authority, be liable to any action, suit, or proceeding for or in respect of any act or matter bona fide done, or omitted to be done, in the exercise or supposed exercise of the powers of this Ordinance. No personal liability of Registrar.

Forgery, &c.

80. If any person wilfully make any false declaration, or fraudulently procure, or assist in fraudulently procuring, or be privy to the fraudulent procurement of any order or rule of the Court, or of any fraudulent entry on the register, or any alteration or erasure of such entry, he shall be guilty of a misdemeanor, and any order or rule procured by fraud, and any act consequent on such order, and any entry, alteration, or erasure so made by fraud shall be void as between all parties or privies to such fraud. Punishment of fraud.

81. If in any proceeding to obtain the registration of any title to land or otherwise, or in any transaction relating to land, which is, or is proposed to be put on the register, any person acting either as principal or agent, shall knowingly and with intent to deceive, Of false statements.

A.D. 1870.

make, or assist, or join in, or be privy to the making of any material false statement or representation, or suppress, conceal, or assist, or join in, or be privy to the suppressing, withholding, or concealing from any Judge or Registrar, or any person employed by or assisting the Registrar, any material document, fact, or matter of information, every person so acting shall be guilty of a misdemeanor; and the act or thing done or obtained by means of such fraud or falsehood, shall be null and void to all intents and purposes, except as against a purchaser for valuable consideration without notice.

Conviction.

82. Any person convicted of a misdemeanor under either of the last two preceding Sections, shall be liable to imprisonment for any term not exceeding three years, with or without hard labour, or to be fined such sum as the Court by which he is convicted shall think just.

Not to affect civil rights.

83. No proceedings or conviction for any act hereby declared to be a misdemeanor, shall affect any remedy which any person aggrieved by such act may be entitled to, either at law or in equity, against the person who has committed such act.

Forgery of Seal.

84. If any person forge, or procure to be forged, or assist in forging, the Seal of the Registrar's Office, or the handwriting of any officer therein, he shall be guilty of felony.

Criminal liability not to protect against giving evidence.

85. Nothing in this Ordinance shall entitle any person to refuse to make a complete discovery by answer to any bill in equity, or to answer any question or interrogatory in any civil proceeding in any Court of Civil Judicature, but no answer to any such bill, question, or interrogatory shall be admissible against any such person in evidence in any criminal proceeding.

Rules and Orders.

Rules and Orders by the Court,

86. The Judge or Judges of the Supreme Court may make such Rules and Orders as may be necessary, in relation to any matters to be brought before the Court under the provisions of this Ordinance, and establish a scale of fees to be taken on all petitions, motions, applications, and other proceedings authorized by this Ordinance to be taken and preferred.

and Registrar.

The Registrar General may, from time to time, make such Rules and Orders, Forms and Directions, for carrying out the provisions of this Ordinance, as may be necessary.

But all such Rules and Orders, Forms and Directions, whether made by the Judge or Registrar as aforesaid, shall be first approved by the Governor, and may from time to time be varied, repealed, or amended.

A copy of all such Rules and Orders, Forms and Directions, shall be affixed to the walls of the Registrar's Office for public information.

Interpretation of Terms.

A.D. 1870.

87. In the construction of this Ordinance the following words and expressions shall have the meanings hereby assigned to them, unless the same be repugnant to or inconsistent with the context (that is to say):—the words “The Court” shall mean the Supreme Court of British Columbia; the word “Judge” shall mean any Chief Justice or Judge of the said Court; the word “Registrar” shall mean the Registrar General of Titles, or any Deputy Registrar; the expression “Absolute Fee” shall mean and comprise the legal ownership of an estate in fee simple; the expression “Charge” shall mean and comprise any less estate than an absolute fee, or any equitable interest whatever in real estate, and shall include any incumbrance, Crown debt, judgment, mortgage, or claim, to or upon any real estate; the word “Judgment” shall mean and include any Decree or Order of any Court of Equity, and any Judgment or Order of any Court of Law, whereby any sum of money is payable to any person, or whereby the possession of land is given to or any estate vested in any person, by virtue thereof; the word “Person,” and words applying to any person or individual, shall apply to and include Corporations, and words importing the singular number or masculine gender only, shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and words importing the plural number shall be understood to apply to one matter as well as more than one; the words “Real Estate” or “Land” shall extend to and mean Lands, Messuages, Mines, and all other hereditaments whatsoever; the word “Governor,” shall mean the Governor of the Colony, or any other Officer Administering the Government of the Colony for the time being; the words “Surveyor General” shall mean the Officer for the time being acting as Chief Commissioner of Lands and Works and Surveyor General.

88. This Ordinance may be cited as “The Land Registry Ordinance, 1870.”

Short Title.

FIRST SCHEDULE.

FORM. A.

No. _____ Date _____ 18 ____
 I [*or We*] _____ of _____, declare that I [*or we*]
 am [*or are*] the owner in fee of the Real Estate hereunder described, and
 claim to be registered accordingly.

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Description of Real Estate.

Town or District.	Lot or Section.	Admeasurement or Acreage.

List of Instruments.

Date.	Parties.	Character of Deed.

And I [*or we*] declare that to the best of
knowledge the value of the said Real Estate is dollars.

A. B.

Received for registration at the day of at
o'clock, at

C. D.

Stipendiary Magistrate.

FORM B.

No.	Name of Owner of Absolute Fee.	Parcels, Short Descrip- tion.	Parcels Book, Vol. Fol.	Date of Applica- tion.	Date of Registration.	List of Instruments.	Charge, Issue, &c., if any.

FORM C.

No.	Absolute Fees Book, Vol. Fol.	Description.

No. _____ Date, _____ 18 .

I, [or we] _____ of _____ declare that I [or we] am [or are] entitled to a _____ over the Real Estate hereunder described, and _____ claim registration of a charge accordingly.

The Absolute Fee is registered at Vol. _____ Fol. _____ of Absolute Fees Book.

Description of Real Estate.

Town or District.	Lot or Section.

List of Instruments.

Date.	Parties.	Character of Deed.

And _____ declare that to the best of _____ knowledge and belief the value of said interest is _____ Dollars.

Received for registration at _____ the _____ day of _____ 18 , at _____ o'clock, at _____

C. D.,
Stipendiary Magistrate.

FORM E.

No.	Absolute Fees Book, Vol. Fol.	Owner of Charge.	Parcels Short Description.	Parcels Book, Vol. Fol.	Date of Application.	Date of Registration.	List of Instruments.	Charge, Issue, &c., if any.	

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FORM F.

No.	Charge Book, Vol. Fol.	Description.

FORM G.

No. _____
Registered the _____ day of _____ 18 __, in Book _____, Vol. _____,
Folio _____
A. B.,
Registrar General.

FORM H.

Land Registry Office,
Date, _____ 18 __.
To _____
I hereby give you notice that I shall proceed to the registration of the
title of _____ to _____ in respect of that piece of land known
as _____, notwithstanding the non-production of a certain deed
[describing the same], within _____ from the date hereof, unless you object
in writing thereto.
E. F.,
Registrar General.

FORM I.

I hereby certify that _____ Instalment due in respect of _____
has been paid, and that there remains a balance of _____ unpaid.
To _____ A. B.,
The Registrar General. Surveyor General.

FORM J.

A.D. 1870.

Certificate of Title.

No. .

Certificate of Title	Name of Owner.	Absolute Fees Book Vol. Fol.	Date of Registration.	Parcels Short Description.
No.				
Date 18 .				
Name				
Absolute Fees Book, Vol. Fol.				
Property		List of Instruments.		
A. B.,				
Registrar General.				

A. B.
Registrar General.

FORM K.

I, A. B., of , in consideration of the sum of dollars, do hereby grant and convey [or transfer and assign] unto C. D., of , and to his heirs [or executors, administrators] and assigns, all that piece of land together with all my rights, powers, estate, and interest therein, as registered in the register of absolute fees [or charges] Vol. , Folio , No. .

Dated this day of 18. .

Signed, sealed, and delivered,
in the presence of E. F. A. B.

FORM L.

Certificate of Indefeasible Title.

This is to certify that A. B. is absolutely and indefeasibly entitled in Fee Simple to that piece of land known as and more particularly described in Absolute Fees Parcels Book, Vol. Folio No. , (subject however to)

In witness whereof, I have hereunto set my hand and seal of office, this day of 18 .

C. D.,
Registrar General.

A.D. 1870.

FORM M.

I, *A. B.*, take issue on the Registration effected by _____ of
the Land known as _____ Book, Vol. _____ Folio. _____ No.
_____ *A. B.*

FORM N.

No. _____ Register of _____ Vol. _____ Folio _____
satisfied [*in whole or in part*] and the particulars of such satisfaction are as
follows:—

FORM O.

Cancelled [*in whole or in part*] the _____ day of _____
18 . See Satisfaction Book, Vol. _____ Folio _____
_____ *A. B.*,
Registrar General.

SECOND SCHEDULE.

Fees.

Inspection or search of any Title on the Register	\$ 50
Application for Registration	50
Registration of any Absolute Fee	1 00
And one-fifth of one per cent. on the value of the Real Estate, where such value amounts to or is under Five Thousand Dollars; and one- tenth of one per cent. on the additional value, where such value ex- ceeds Five Thousand Dollars.	
Registration of any Charge	1 00
And one-tenth of one per cent. on the value of interest covered by the Charge.	
Every Certificate of Search for each Title.....	1 00
Filing any Issue.....	2 00
Sealing any Document, other than a Certificate.....	25
Cancellation of any Charge, &c.....	1 00
Filing any Document other than Issue.....	50
Every Notice.....	50
Every deposit of Map or Title Deeds.....	2 50

For every transcript or Record of any Deed or Instrument, as provided for in Section 14 of this Ordinance, per folio of one hundred words...	25
For making certified copies of any Deed or Instrument of Record, per folio of one hundred words.....	25
For taking the Acknowledgment or Proof of Execution of any Instrument, including the Certificate thereof. For every acknowledgment or Proof, including Oath.....	25
For administering an Oath.....	50
Every Certificate of Indefeasible Title	5 00

A.D. 1870.

THIRD SCHEDULE.

For Maker of a Deed.

I hereby certify that
 personally known to me, appeared before me, and acknowledged to me that
 the Person mentioned in the annexed
 Instrument as the maker thereof, and whose name subscribed
 thereto as part that knows the contents thereof, and
 that executed the same voluntarily.

In testimony whereof I have hereto set my hand and seal of office
 at this day of
 in the year of Our Lord one thousand eight hundred and

For Married Women.

I hereby certify that *A. B.*, personally known to me to be the wife of *C. D.*, appeared before me, and being first made acquainted with the contents of the annexed Instrument, and the nature and effect thereof, acknowledged on examination, and apart from and out of hearing of her said husband, that she is the person mentioned in such instrument as the maker thereof and whose name is subscribed thereto as party; that she knows the contents and understands the nature and effect thereof; that she executed the same voluntarily, without fear, or compulsion, or undue influence of her said husband; that she is of full age and competent understanding, and does not wish to retract the execution of the said Instrument.

In testimony whereof I have hereto set my hand and seal of office,
 at this day of
 in the year of Our Lord one thousand eight hundred and

A.D. 1870.

For Attorney.

I hereby certify that
 personally known to me, appeared before me, and acknowledged to me that he
 is the person who subscribed the name of
 to the annexed Instrument as the maker thereof
 is the same person mentioned in the said Instrument as the maker thereof, that
 knows the contents of the said Instrument,
 and that he subscribed the name of thereto
 voluntarily as the free act and deed of the said

In testimony whereof I have hereunto set my hand and seal of
 office, this day of
 in the year of Our Lord one thousand eight hundred and

For Witness.

I hereby certify that personally known to me
 appeared before me, and acknowledged to me that
 the person whose name subscribed to the annexed Instruments as Witness,
 and having been duly sworn by me, did prove to me that
 did execute the same in presence voluntarily.

In testimony whereof I have hereto set my hand and seal of office,
 at this day of
 in the year of Our Lord one thousand eight hundred and

NOTE.—Where the person making the acknowledgment is not personally
 known to the Officer taking the same, instead of the words “personally known
 to me,” insert the words “proved by the evidence on oath [or affirmation] of
 E. F.”

No. 144.

A.D. 1870.

An Ordinance to amend and consolidate the Laws affecting
 Crown Lands in British Columbia.

[1st June, 1870.]

Preamble.

WHEREAS it is expedient to amend and consolidate the Laws
 affecting Crown Lands in British Columbia:

Be it enacted by the Governor of British Columbia, with the
 advice and consent of the Legislative Council thereof, as follows:—

Interpretation.

1. In the construction and for the purposes of this Ordinance (if
 not inconsistent with the context or subject matter) the following
 terms shall have the respective meanings hereinafter assigned to
 them:—

A.D. 1870.

"The Governor" shall mean the Governor of British Columbia, or any person for the time being lawfully exercising the authority of a Governor of British Columbia :

"Chief Commissioner of Lands and Works and Surveyor General" shall mean and include the Chief Commissioner of Lands and Works and Surveyor General and any person for the time being lawfully acting in that capacity.

"Commissioner" shall mean the Chief Commissioner of Lands and Works and Surveyor General of this Colony, or the person acting as such for the time being, and shall include every Stipendiary Magistrate for the time being in charge of any District, and every person duly authorized by the Governor to act as and for the Chief Commissioner of Lands and Works and Surveyor General, as Assistant Commissioner of Lands and Works in any District in which the land that may be referred to lies, other than that in which the chief office of the Lands and Works Department is situated, and any other District or Districts for which no such Assistant Commissioner of Lands and Works as aforesaid has been appointed :

"Supreme Court" shall mean the Supreme Court of British Columbia :

"The Crown" shall mean Her Majesty, Her heirs and successors :

"Crown Lands" shall mean all lands of this Colony held by the Crown in fee simple :

"Act" shall mean any Proclamation or Ordinance having the force of law in this Colony :

Words importing the singular number shall include more persons, parties, or things than one, and the converse.

2. The following Acts, Ordinances, and Proclamations relating to the disposal and regulation of the Crown Lands of the Colony are hereby repealed :— Repeals former Acts.

An Act dated February 14th, 1859 :

71 - An Act dated January 4th, 1860 :

75 - An Act dated January 20th, 1860 :

101 - The "Pre-emption Amendment Act, 1861 :"

The "Country Land Act, 1861 :"

The "Pre-emption Purchase Act, 1861 :"

123 The "Pre-emption Consolidation Act, 1861 :"

The "Mining District Act, 1863 :"

The "Land Ordinance, 1865 :"

The "Pre-emption Ordinance, 1866 :"

The "Pre-emption Payment Ordinance, 1869 :"

The "Vancouver Island Land Proclamation, 1862 :"

but such repeal shall not prejudice or affect any rights acquired or Saving existing rights.

A.D. 1870. — payments due, or forfeitures or penalties incurred prior to the passing of this Ordinance in respect of any land in this Colony.

Pre-emption.

Who may pre-empt
as of right.

3. From and after the date of the proclamation in this Colony of Her Majesty's assent to this Ordinance, any male person being a British Subject, of the age of eighteen years or over, may acquire the right to pre-empt any tract of unoccupied, unsurveyed, and unreserved Crown Lands (not being an Indian settlement) not exceeding three hundred and twenty acres in extent in that portion of the Colony situate to the northward and eastward of the Cascade or Coast Range of Mountains, and one hundred and sixty acres in extent in the rest of the Colony. Provided that such right of pre-emption shall not be held to extend to any of the Aborigines of this Continent, except to such as shall have obtained the Governor's special permission in writing to that effect.

How much,

and who by special
permission.

4. Any Chartered or Incorporated Company may acquire such right by obtaining a special permission in writing from the Governor to that effect, but not otherwise; and the Governor may grant or refuse such permission at his discretion.

Application to lo-
cate.

5. Any person desiring to pre-empt as aforesaid, shall first apply to and obtain from the Commissioner permission in writing to enter upon such land, which must be fully described in writing by the applicant, and a plan thereof must be deposited with the Commissioner, and such description and plan shall be in duplicate.

Entry and applica-
tion to record.

6. After such permission has been obtained, and within such time, not exceeding thirty days thereafter, as shall be specified by the Commissioner in such permission, such person shall enter into possession of the land so described, and place at each corner thereof a post marked with his name, or other distinguishing sign, and thereupon shall apply in writing to the said Commissioner to have his claim recorded to such tract of land, not exceeding three hundred and twenty acres, or one hundred and sixty acres, as the case may be, as hereinbefore provided.

Pre-emption record.

7. If such land has not been previously recorded, the Commissioner shall, upon the fulfilment by the applicant of the preceding requirements, and upon payment by him of a fee of two dollars, record such land in his favour as a pre-emption claim, and give him a certificate of such pre-emption record, in the Form A. in the Schedule hereto; and such record shall be made by the Commissioner in triplicate, the original to be handed to the pre-emptor, a duplicate to be retained by the Commissioner for local reference, and the triplicate to be forwarded forthwith to the head office of the Lands and Works Department, to be there examined, and if found in all respects (or if necessary after having been amended by the Chief Commissioner of Lands and Works and Surveyor Gene-

Form A.

ral so as to be) in accordance with the provisions of this Ordinance, to be finally registered in the Land Office Pre-emption Register.

A.D. 1870.

8. Every piece of land sought to be acquired as a pre-emption claim, under the provisions of this Ordinance, shall, save as herein-after excepted, be of a rectangular shape, and the shortest line thereof shall be at least two-thirds of the length of the longest line. Such lines shall run as nearly as possible north and south, and east and west. Rectangular shape of claim.

9. Where such land is in whole or in part bounded by any mountain, rock, lake, river, swamp, or other natural boundary, or by any public highway, or by any pre-empted or surveyed land, such natural boundary, public highway, pre-empted or surveyed land, may be adopted as the boundary of such land; and it shall be sufficient for the claimant to shew to the Commissioner that the form of the land conforms as nearly as circumstances permit to the provisions of this Ordinance. Natural boundaries.

10. The Chief Commissioner of Lands and Works and Surveyor General may, however, in carrying out any Government Survey, if in his opinion circumstances require it, survey pre-emption claims or purchased lands recorded previous to the date of this Ordinance, by such metes and bounds as he may think proper; and every survey so made and certified by him in writing shall be binding upon all parties affected thereby, and the survey so certified shall be deemed, in any Court of this Colony, to have been done in compliance with the provisions of this Ordinance. Rectification of survey.

11. A pre-emptor shall be entitled to receive from the Commissioner a certificate, to be called a "Certificate of Improvement," in the Form B. in the Schedule hereto, upon his proving to the Commissioner, by the declarations in writing of himself and two other persons, that he has been in occupation of his pre-emption claim from the date of the record thereof, and has made permanent improvements thereon, to the value of two dollars and fifty cents per acre. Such certificate shall be in triplicate, the original to be handed to the pre-emptor, the duplicate retained by the Commissioner for local reference, and the triplicate transmitted forthwith to the head office of the Lands and Works Department; and it shall be the duty of the Commissioner to note the issue of such certificate on the original pre-emption record, which must be produced to him at the time of applying for the certificate by the pre-emptor, and on the duplicate thereof retained in the Commissioner's Office. Certificate of improvement.
Form B.

12. Every such declaration shall be subscribed by the person making the same, and shall be filed with the Commissioner, who is hereby fully authorized and empowered to take the same; and such declaration shall be in the Form C. in the Schedule, and shall Declaration.
Form C.

A.D. 1870.

be made before such Commissioner, under and subject to the provisions and penalties of the "Oaths Ordinance, 1869."

Right may be transferred.

13. After the grant of the certificate of improvement, but not before, the pre-emption right in the land referred to in such certificate may be transferred to any person entitled to hold a pre-emption claim under this Ordinance, subject, however, to the continuance of all the provisions of this Ordinance as to occupation, forfeiture, and payment of purchase money due or to become due to the Crown.

Mode of transfer.
Form D.

14. Every such transfer must be made in writing, signed by the person making the same, or his attorney in fact, in the Form D. in the Schedule, or in words to that effect, and in the presence of the Commissioner, and if not so made shall be void; and such transfer shall be in triplicate, the original to be retained by the person in whose favour the transfer is made, the duplicate to be retained as a record in the office of the Commissioner, and the triplicate forwarded forthwith to be registered in the head office of the Lands and Works. Upon the examination of such transfer in the manner and form so prescribed, and on payment of the fee of two dollars, the Commissioner shall cancel the previous record of such pre-emption right, and record the same anew, in the manner prescribed in Section 7, in the name of the person in favour of whom such transfer shall have been made, subject to the completion of the period of occupation required by this Ordinance, and to all other the terms and conditions thereof.

Cessation of occupation cancels claim.

15. Whenever any pre-emptor shall permanently cease to occupy his pre-emption claim, save as hereinafter provided, the Commissioner may in a summary way, upon being satisfied of such permanent cessation of occupation, cancel the claim of the pre-emptor so permanently ceasing to occupy the same, and all deposits paid, and all improvements and buildings made and erected on such land, shall be absolutely forfeited to the Crown, and the said land shall be open to pre-emption and may be recorded anew by the Commissioner as a pre-emption claim, in the name of any person satisfying the requirements in that behalf of this Ordinance.

Meaning of occupation.

16. The occupation herein required, shall mean a continuous bona fide personal residence of the pre-emptor on his pre-emption claim. Provided, however, that the requirement of such personal occupation shall cease and determine after a period of four years of such continuous occupation shall have been fulfilled.

Leave of absence for two months.

17. Every holder of a pre-emption claim shall be entitled to be absent from his claim for any one period not exceeding two months during any one year. As an ordinary rule he shall be deemed to have permanently ceased to occupy his claim when he shall have been absent, continuously, for a longer period than two months,

unless leave of absence have been granted by the Commissioner, as hereinafter provided. A.D. 1870.

18. If any pre-emptor shall show good cause to the satisfaction of the Commissioner, such Commissioner may grant to the said pre-emptor leave of absence for any period of time, not exceeding four months in any one year, inclusive of the two months' absence from his claim, provided for in Clause 17. Such leave of absence shall be in the Form E. in the Schedule hereto, and shall be made out in duplicate, the original to be handed to the pre-emptor, and the duplicate to be retained of record in the office of the Commissioner. Special leave for four months.
Form E.

19. If any pre-emptor shall show good cause to the satisfaction of the Commissioner, he may grant him a "Licence to Substitute," for any period not exceeding six calendar months, in the Form F. in the Schedule hereto, in duplicate, the original to be handed to the pre-emptor, and the duplicate to be retained of record in the office of the Commissioner. The continuous personal residence of the person named in such licence (such person not being or becoming subsequently to the date of the licence a claimant of land under any Law or Proclamation regulating the pre-emption of land within the Colony) shall, during the continuance of the licence, and after the record thereof with the Commissioner, be as effectual as the continuous personal residence of the claimant himself. Licence to substitute.
Form F.

20. No person shall be entitled to hold, at the same time, two claims by pre-emption; and any person so pre-empting more than one claim shall forfeit all right, title, and interest to the prior claim recorded by him, and to all improvements made and erected thereon, and deposits of money paid to Government on account thereof; and the land included in such prior claim shall be open for pre-emption. One claim to be held at a time.

21. When the Government shall survey the land included in a pre-emption claim, the person in whose name the said claim stands registered in the pre-emption register of the Land Office shall, provided a certificate of improvement shall have been issued in respect of such land, and that the condition of four years occupation required by this Ordinance has been duly fulfilled, shall be entitled to purchase the said land at such rate, not exceeding one dollar per acre, as may be determined upon by the Governor for the time being, payable by four equal annual instalments, the first instalment to be paid to the Commissioner, at his office, within three calendar months from the date of the service on the said pre-emptor of a notice from the Chief Commissioner of Lands and Works and Surveyor General requiring payment for the said land, or within six calendar months after the insertion of a notice to such effect, to be published for and during such period in the Government Gazette, or in such other newspaper, published in the Colony, as the Commissioner may direct. Purchase of claim when surveyed.

A.D. 1870.

If the purchase money for such land be not paid, according to the terms of such notice, the pre-emption claim over such land may, at the discretion of the Commissioner, be cancelled, and all such land, and the improvements thereon, and any instalments of the purchase money paid thereon, may be forfeited absolutely to the Crown.

Notice of intention
to apply for Crown
Grant.

22. The Crown Grant to a pre-emption claim will not be issued unless it shall have been proved to the Commissioner that written or printed notices of the intended application for such grant have been posted for a period of sixty days prior to such application, upon some conspicuous part of the said pre-emption claim, and upon the adjacent claims (if any), and upon the Court House of the District wherein the land lies.

Certificate of pay-
ment.

Form G.

23. Upon payment of the whole of the purchase money for such land, and upon production to the Chief Commissioner of Lands and Works and Surveyor General of a certificate in Form G. in the Schedule hereto, from the Commissioner of the District in which such land is situated, that the notices of intended application for a Crown Grant of such land have been duly posted as required in the previous Section, without any objection to the issue of such grant having been substantiated, a Crown Grant or Conveyance, in the Form H. of the Schedule hereto, of the fee simple of the said land shall be executed in favour of the purchaser.

Crown Grant may
issue.

Form H.

Reservation to the
Crown.

Provided, that every such Crown Grant shall be deemed to include, among the reservations therein contained, a reserve in favour of the Crown, its assignees, and licensees, of the right to take from any such land, without compensation, any gravel, sand, stone, lime, timber, or other material which may be required in the construction, maintenance, or repair of any roads, ferries, bridges, or other public works.

Heirs of pre-emptor
entitled to Crown
Grant.

24. In the event of the death of any pre-emptor under this Ordinance, his heirs or devisees (as the case may be) if resident in the Colony, shall be entitled to a Crown Grant of the land included in such pre-emption claim, if lawfully held and occupied by such pre-emptor at the time of his decease, but subject to payment of the full amount of purchase money for such land then due or to become due; but if such heirs or devisees be absent from the Colony at the time of such decease, the Chief Commissioner of Lands and Works and Surveyor General is hereby authorized and empowered to make such disposition of the pre-emption claim, and such provision for the person (if any) entitled thereto, or interested therein, as he may deem just and proper.

Extent of claim N.
and E. of Cascade
Range.

25. Every person lawfully occupying a pre-emption claim situated to the northward and eastward of the Cascade or Coast Range of Mountains, at the date of the passing of this Ordinance, if less than three hundred and twenty acres may, with the permission of

the Commissioner, pre-empt land liable to pre-emption, and immediately contiguous to or abutting on his said existing claim, so as to make up the total amount of his claim to three hundred and twenty acres, and thereupon such total claim shall be deemed to have been and to be taken up and held under the provisions of this Ordinance.

A.D. 1870.

Leases.

26. Leases of any extent of unpre-empted and unsurveyed land may be granted for pastoral purposes by the Governor in Council, to any person or persons whomsoever, being bona fide pre-emptors or purchasers of land in the vicinity of the land sought to be leased, at such rent as such Governor in Council shall deem expedient; but every such lease of pastoral land shall, among other things, contain a condition making such land liable to pre-emption, reserve for public purposes, and purchase by any persons whomsoever, at any time during the term thereof, without compensation, save by a proportionate deduction of rent; and to a further condition, that the lessee shall, within six months from the date of such lease, stock the property demised in such proportion of animals to the one hundred acres, as shall be specified by the Commissioner.

Leases for pastoral purposes.

27. Leases of unoccupied and unsurveyed land, not exceeding five hundred acres in extent, may be granted by the Governor in Council, for the purpose of cutting hay thereon, to any person or persons whomsoever, being bona fide pre-emptors or purchasers of land, at such rent as such Governor in Council shall deem expedient. The term of such lease shall not exceed five years; but every [such lease shall, among other things, contain a condition making such land liable to pre-emption, reserve for public purposes, and purchase by any persons whomsoever, at any time during the term thereof, with such compensation for improvements made thereon, to be paid to the leaseholder, as shall be fixed by the Commissioner of the District.

Hay Leases.

28. Leases of any extent of unpre-empted Crown Lands may be granted by the Governor in Council, to any person, persons, or corporation duly authorized in that behalf, for the purpose of cutting spars, timber, or lumber, and actually engaged in those pursuits, subject to such rent, terms, and provisions as shall seem expedient to the Governor in Council; provided, however, that any person may hereafter acquire a pre-emption claim to or upon any part of such leased land, by complying with the requirements of this Ordinance. Such pre-emptor shall, however, only be entitled to cut such timber as he may require for use upon his claim; and if he cut timber on the said land for sale, or for any purpose other than for such use as aforesaid, or for the purpose of clearing the said land, he shall absolutely forfeit all interest in the land acquired by him, and the Commissioner shall cancel his claim thereto.

Timber Leases.

A.D. 1870.

Applications for
Leases.

29. The application for any such lease must be in writing, in duplicate, addressed to the Commissioner, who shall retain the original in his office, and transmit the duplicate, through the head office of the Lands and Works, to the Governor in Council, who shall alone decide on any such lease.

*Water.*Pre-emptors may
utilize water.

30. Every person lawfully entitled to hold a pre-emption under this Ordinance, and lawfully occupying and bona fide cultivating lands, may divert any unrecorded and unappropriated water from the natural channel of any stream, lake, or river, adjacent to or passing through such land, for agricultural and other purposes, upon obtaining the written authority of the Commissioner of the District to that effect, and a record of the same shall be made with him, after due notice as hereinafter mentioned, specifying the name of the applicant, the quantity sought to be diverted, the place of diversion, the object thereof, and all such other particulars as such Commissioner may require; for every such record, the Commissioner shall charge a fee of two dollars; and no person shall have any exclusive right to the use of such water, whether the same flow naturally through or over his land, except such record shall have been made.

Notice to be given.

31. Previous to such authority being given, the applicant shall, if the parties affected thereby refuse to consent thereto, post up in a conspicuous place on each person's land through which it is proposed that the water should pass, and on the District Court House, notices in writing, stating his intentions to enter such land, and through and over the same take and carry such water, specifying all particulars relating thereto, including direction, quantity, purpose, and term.

Priority of right.

32. Priority of right to any such water privilege, in case of dispute, shall depend on priority of record.

Compensation for
damage,

33. The right of entry on and through the lands of others, for carrying water for any lawful purpose upon, over, or under the said land, may be claimed and taken by any person lawfully occupying and bona fide cultivating as aforesaid, and (previous to entry) upon paying or securing payment of compensation, as aforesaid, for the waste or damage so occasioned, to the person whose land may be wasted or damaged by such entry or carrying of water.

may be assessed by
a jury.

34. In case of dispute, such compensation or any other question connected with such water privilege, entry, or carrying may be ascertained by the Commissioner of the District in a summary manner, without a jury, or if desired by either party, with a jury of five men.

Water for mining or
other purposes.

35. Water privileges for mining or other purposes, not otherwise lawfully appropriated, may be claimed, and the said water may be

taken upon, under, or over any land so pre-empted or purchased as aforesaid, by obtaining a grant or licence from the Commissioner of the District; and, previous to taking the same, paying reasonable compensation for waste or damage to the person whose land may be wasted or damaged by such water privilege, or carriage of water.

A.D. 1870.

36. All assignments, transfers, or conveyances of any pre-emption right, heretofore or hereafter acquired, shall be construed to have conveyed and transferred, and to convey and transfer, any and all recorded water privileges in any manner attached to or used in the working of the land pre-empted.

Transfer of pre-emption right transfers water.

37. Every owner of a ditch or water privilege shall be bound to take all reasonable means for utilizing the water taken by him; and if he shall wilfully take and waste any unreasonable quantity of water, it shall be lawful for the Commissioner to declare all rights to the water forfeited.

Not to waste water.

Ejectment.

38. Any person lawfully occupying a pre-emption claim, or holding a lease under this Ordinance may, in respect thereof, institute and obtain redress in an action of ejectment or of trespass in the same manner and to the same extent as if he were seised of the legal estate in the land covered by such claims; but either party thereto may refer the cause of action to the Stipendiary Magistrate of the District wherein the land lies, who is hereby authorized to proceed summarily, and make such order as he shall deem just. Provided, however, that if requested by either party, he shall first summon a jury of five persons to hear the cause, and their verdict or award on all matters of fact shall be final.

Ejectment by summary process.

Jury.

39. It shall be lawful for any Magistrate, by an order under his hand, to summon a jury of five persons for any purpose under this Ordinance and in the event of non-attendance of any persons so summoned he shall have the power to impose a fine not exceeding twenty-five dollars.

Jury how summoned.

Appeal.

40. Any person affected by any decision of a Magistrate or Commissioner under this Ordinance may, within one calendar month after such decision, but not afterwards, appeal to the Supreme Court in a summary manner, and such appeal shall be in the form of a petition, verified by affidavit, to any Judge of such Court, setting out the points relied upon; and a copy of such petition shall be served upon the Commissioner whose decision is appealed from, and such time shall be allowed for his answer to the said petition as to the Judge of the Supreme Court may seem advisable; but no such appeal shall be allowed except from decisions on points of law.

Appeal to Supreme Court.

A.D. 1870.

Security to be given.

41. Any person desirous of appealing in manner aforesaid, may be required, before such appeal be heard, to find such security as may be determined by the Commissioner whose decision is appealed from, and such appeal shall not be heard until after security to the satisfaction of the Commissioner shall have been given for the due prosecution of such appeal and submission thereto.

Surveyed Lands.

Reserves.

42. The Governor shall at any time, and for such purposes as he may deem advisable, reserve, by notice published in the Government Gazette, or in any newspaper of the Colony, any lands that may not have been either sold or legally pre-empted.

Price of land.

43. The upset price of surveyed lands, not being reserved for the sites of Towns or the suburbs thereof, and not being reputed to be mineral lands, shall be one dollar per acre; and the upset price of Town and Suburban lots shall be such as the Governor may in each case specially determine.

Land offered for sale by public competition.

44. Except as aforesaid, all the land in British Columbia will be exposed in lots for sale by public competition, at the upset price above mentioned, after the same shall have been surveyed and made ready for sale. Due notice shall be given of all such sales; notice at the same time shall be given of the upset price and terms of payment when they vary from those above stated, and also of the rights specially reserved (if any) for public convenience.

Unsold lands by private contract.

45. All lands which shall remain unsold at any such auction may be sold by private contract at the upset price and on the terms and conditions herein mentioned, on application to the Chief Commissioner of Lands and Works and Surveyor General, or other person for the time being duly authorized by the Governor in that behalf.

Land sold, subject to roads, &c.

46. Unless otherwise specially notified at the time of sale, all Crown Lands sold shall be subject to such public rights of way as may at any time after such sale be specified by the Chief Commissioner of Lands and Works and Surveyor General, and to the right of the Crown to take therefrom, without compensation, any stone, gravel, or other material to be used in repairing the public roads, and to such private rights of way, and of leading or using water for animals, and for mining and engineering purposes, as may at the time of such sale be existing.

Conveyance includes trees, mines, &c.

47. Unless otherwise specially announced at the time of sale, the conveyance of the land shall include, except as provided in Section 23, all trees and all mines and minerals within and under the same (except mines of gold and silver.)

Free Miners' Rights.

Free Miners may search for minerals.

48. Nothing herein contained shall exclude Free Miners from entering upon any land in this Colony, and searching for and

working minerals ; provided that such Free Miner prior to so doing shall give full satisfaction or adequate security to the satisfaction of the Commissioner, to the pre-emptor or tenant in fee simple, for any loss or damage he may sustain by reason thereof. If the amount of compensation (if any) cannot be agreed upon, the Stipendiary Magistrate or Gold Commissioner of the District wherein the land lies, with the assistance, if desired by either party, of a jury of five persons to be summoned by him, shall decide the amount thereof, and such decision and award shall be final. If there be no such Stipendiary Magistrate or Gold Commissioner in the said District, the Supreme Court shall have jurisdiction in the matter.

A.D. 1870.

Free Grants.

49. It shall be lawful for the Governor in Council to make such special free or partially free grants of the unoccupied and unappropriated Crown Lands of the Colony, for the encouragement of immigration or other purposes of public advantage, with and under such provisions, restrictions, and privileges, as to the Governor in Council may seem most advisable for the encouragement and permanent settlement of immigrants, or for such other public purposes as aforesaid.

Free grants for Immigrants, &c.

50. Nothing in this Ordinance contained shall be construed so as to interfere prejudicially with the rights granted to Free Miners under the "Gold Mining Ordinance, 1867."

Saves Miners' rights

51. The Schedule hereto shall form part of this Ordinance.

Schedule.

52. Each Commissioner appointed under this Ordinance shall keep a book or books in which he shall enter the date and particulars of every pre-emption record, certificate of improvement, licence to substitute, transfer, or other document relating to or in any manner affecting any pre-emption claim within his district.

Books to be kept.

53. All fines and fees payable under this Ordinance shall be deemed to be made payable to the use of the Crown.

Application of fines and fees.

54. This Ordinance shall not take effect until Her Majesty's assent thereto shall have been proclaimed in the Colony.

Suspending clause.

55. This Ordinance may be cited for all purposes as the "Land Ordinance, 1870."

Short Title.

A.D. 1870.

SCHEDULE.

FORM A.

Certificate of Pre-emption Record.

ORIGINAL [To be retained by the Pre-emptor.] [No. in District Register]
COUNTRY LAND.

BRITISH COLUMBIA.

Pre-emption Claim.

District of

Name of Pre-emptor (in full)
Date of Pre-emption Record
Number of Acres (in words)
Where situated
Description of boundaries of Claim

Signature of Commissioner.

N.B.—Plan of the Claim to be drawn on the back of this Sheet:

FORM B.

LAND ORDINANCE, 1870.

District of

Certificate of Improvement.

I hereby certify that _____ has satisfied me by evidence [naming the witnesses and detailing their, and any other, evidence upon which the Commissioner has come to his judgment] that _____ of _____ has been in occupation, as required by the said Ordinance, of his Pre-emption Claim, recorded as No. _____ in this District, from the date of such Record to the present time, and that he has made improvements to the extent of two dollars and fifty cents an acre on _____ acres of Crown Land situate at _____

Signed this

day of

18 .

FORM C.

A.D. 1870.

Declaration.

LAND ORDINANCE, 1870.

District of

I, A. B., of _____, do solemnly and sincerely declare that
 [here detail specifically the improvements and facts declared to
 as having been made by the Pre-emptor on his Claim, which define], and I make
 this solemn declaration conscientiously believing the same to be true, and by
 virtue of the "Oaths Ordinance, 1869."

Declared and signed by the within named _____,
 on the _____ day of _____ A.D. 18 _____, before me
 _____ Commissioner.

 Place for signature of declarant.

FORM D.

Transfer of Interest.

I, A. B., of _____ being the registered holder of pre-emption claim
 No. _____, on the pre-emption register of the Land Office, hereby transfer to C.
 D., all my right, title, and interest therein absolutely, but subject to the same
 conditions under which I hold the same.

Dated, this _____ day of _____ 18 _____.
 Witness, _____ A. B.

FORM E.

Leave of Absence.

I hereby grant A. B., of _____, Leave of Absence from his Pre-
 emption Claim, registered as No. _____ in the Pre-emption Register, for the
 space of _____ from the date hereof.

Dated, this _____ day of _____ 18 _____.
 _____ E. F.,
 Commissioner.

A. D. 1870.

FORM F.

License to Substitute.

I hereby Licence *A. B.*, of _____, to occupy for the space of _____ months, the Pre-emption Claim registered as No. _____ in the Pre-emption Register, in the stead of *C. D.*, the present holder thereof.

Dated, this _____ day of _____ 18 .

E. F.,
Commissioner.

FORM G.

Certificate of Notice.

I hereby certify that *A. B.* has posted, for a period of sixty (60) days, on a conspicuous part of the Pre-empted Claim, No. _____, and also upon the adjacent land, and upon the Court House of the District, a notice for the period of sixty days, that he intends to apply for a Crown Grant of the Land comprised in such claim, and that no objection to the issue of such Crown Grant has been substantiated.

Dated, this _____ day of _____ 18 .

To _____ *C. D.*,
The Chief Commissioner }
of Lands and Works. } Commissioner.

FORM H.



[Royal Arms.]

COLONY OF }
BRITISH COLUMBIA. }

No.

VICTORIA by the Grace of God of the United Kingdom of Great Britain and Ireland, and of the Colonies and Dependencies thereof in Europe, Asia, Africa, America, and Australasia, Queen, Defender of the Faith, and so forth. To all to whom these presents shall come greeting, Know ye that We do by these presents, for Us, Our heirs and successors, in consideration of the sum of

to Us paid, give and grant unto _____ h heirs and assigns,

All that parcel or lot of land situate

and numbered _____ on the official plan or survey of the said

in the Colony of British Columbia, To have and to hold the said parcel or lot of land, and all and singular the premises hereby granted, with their appurtenances, unto the said _____ h heirs and assigns for ever.

A.D. 1870.
—

Provided nevertheless that it shall at all times be lawful for Us, Our heirs and successors, or for any person or persons acting in that behalf by Our or their authority, to resume any part of the said lands which it may be deemed necessary to resume for making roads, canals, bridges, towing paths, or other works of public utility or convenience, so nevertheless that the lands so to be resumed shall not exceed one-twentieth part of the whole of the lands aforesaid, and that no such resumption shall be made of any lands on which any buildings may have been erected, or which may be in use as gardens or otherwise for the more convenient occupation of any such buildings.

Provided also that it shall at all times be lawful for Us, Our heirs and successors, or for any person or persons acting under Our or their authority, to enter into and upon any part of the said lands, and to raise and get thereout any gold or silver ore which may be thereupon or thereunder situate and to use and enjoy any and every part of the same land, and of the easements and privileges thereto belonging, for the purpose of such raising and getting, and every other purpose connected therewith, paying in respect of such raising, getting, and use, reasonable compensation.

Provided also that it shall be lawful for any person duly authorized in that behalf by Us, Our heirs and successors, to take and occupy such water privileges, and to have and enjoy such rights of carrying water over, through, or under any parts of the hereditaments hereby granted, as may be reasonably required for mining or agricultural purposes in the vicinity of the said hereditaments, paying therefor a reasonable compensation to the aforesaid
h heirs or assigns.

Provided also that it shall be at all times lawful for any person duly authorized in that behalf by Us, Our heirs and successors to take from or upon any parts of the hereditaments hereby granted, the right to take from any such land, without compensation, any gravel, sand stone, lime, timber, or other material which may be required in the construction, maintenance, or repair of any roads, ferries, bridges, or other public works.

In testimony whereof We have caused these Our letters to be made patent, and the great seal of Our Colony of British Columbia to be hereunto affixed. Witness Our right trusty and well beloved

Governor and Commander-in-Chief of Our Colony of British Columbia, and its Dependencies, at Our Government House, in Our City of Victoria, this day of , in the year of Our Lord One thousand eight hundred and , and in the year of Our Reign.

By Command.

No. 145.

A.D. 1871. An Act to appropriate the sum of Three hundred and forty-seven thousand five hundred and thirty-five Dollars and one Cent, out of the General Revenue of the Colony, for the Contingent Service of the Year 1871.

[6th February, 1871.]

Preamble.

MOST Gracious Sovereign:—We, Your Majesty's most dutiful and loyal Subjects, the Legislative Council of the Colony of British Columbia, in order to make good the Supply which we have cheerfully granted to Your Majesty, have resolved to grant to Your Majesty the sum hereinafter mentioned, and do, therefore, most humbly beseech Your Majesty that it may be enacted: and

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Appropriation of
Revenue for 1871.

1. That there may be issued and applied out of the General Revenue of the Colony of British Columbia and its Dependencies, not otherwise by Law specially appropriated, for or towards making good the Supply granted to Her Majesty for the Contingent Service of the Year One thousand eight hundred and seventy-one, the sum of Three hundred and forty-seven thousand five hundred and thirty-five Dollars and one Cent, the said amount being appropriated as follows, namely:—

FOR SALARIES AND ALLOWANCES.

The Governor	\$ 2,052 00
Legislative Council.....	900 00
Colonial Secretary	9,224 00
Treasury.....	4,802 00
Auditor General.....	4,377 00
Chief Commissioner of Lands and Works.....	6,998 00
Collector of Customs.....	13,820 00
Post Office.....	3,200 00
Judicial.....	4,463 00
Police and Gaols.....	16,568 75
Gold Commissioners:	
Kootenay	6,024 50
Cariboo	13,910 00
Yale	7,320 00
Lillooet	4,608 00
Nanaimo	3,714 00

FOR SERVICES EXCLUSIVE OF ESTABLISHMENTS.

A.D. 1871.

Pensions	\$ 485 00
Revenue Services.....	1,000 00
Administration of Justice	3,900 00
Charitable Allowances.....	10,500 00
Education	15,000 00
Police and Gaols.....	12,000 00
Rent	264 50
Transport	3,250 00
Conveyance of Mails.....	36,549 96
Works and Buildings	23,650 00
Roads, Streets, and Bridges.....	54,550 00
Miscellaneous Services.....	23,260 00
Interest	103,440 00
Drawbacks and Refunds.....	2,100 00
Sinking Fund.....	50,197 50
Home Government Account.....	3,274 30
Government Vessels.....	12,800 00
Lighthouses.....	9,370 00

2. The Treasurer of the said Colony, or other person duly authorized in that behalf, shall issue and pay the said several sums to such persons, for the purposes hereinbefore mentioned, upon such days, and in such proportions as the Governor for the time being, by any Warrant or Order in writing, shall from time to time direct; and the payments so to be made shall be charged upon and payable out of the Revenue of the said Colony and its Dependencies.

Treasurer to pay on
Governor's warrant

No. 146.

An Act to exempt the "Lane and Kurtz Cariboo Mining Company" from the payment of Duties and Road and Bridge Tolls, on certain Machinery imported, and yet to be imported, by them for Mining purposes.

A.D. 1871.

[6th February, 1871.]

WHEREAS in the present state of affairs in British Columbia, it is desirable to promote by all lawful means the speedy opening up and development of Quartz and other Mines in the Colony, and to that end it is expedient to encourage the introduction of Steam and other Machinery in such Mines, by allowing the same under certain circumstances to be admitted into British Columbia free of duty:

Preamble.

A.D. 1871.

And whereas a certain Company, organized and existing under the laws of the State of California, and known as "Lane and Kurtz Cariboo Mining Company," have already imported certain machinery to be used in the Williams Creek Meadows, upon which Machinery duties have not yet been collected :

And whereas the said company, for the purpose of effectually carrying out their enterprise, intend to import additional machinery :

And whereas it is expedient for the purposes hereinbefore recited, to exempt the said company from the payment of any duties that might be assessed, levied, or collected upon the machinery already imported by them, and from all duties that may hereafter become payable by them, in respect of such other machinery as they may yet import for the purpose of their enterprise :

And whereas for the purpose of further encouraging the enterprise of the said company, it is also expedient to exempt the said company from the payment of any Road and Bridge Tolls that may be assessed, levied, or collected upon or in respect of the machinery which the said Company may, for the purposes of their enterprise, cause to be conveyed from Victoria to Williams Creek :

Be it therefore enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows :—

Governor may remit Customs Duties on Machinery imported by the Company.

1. It shall be lawful for the Governor for the time being of British Columbia, on application by the said Company, if he shall think fit, to remit the whole or any part of the Customs duties and port charges that might, but for such remission, be assessed, levied, or collected under any law that may now or hereafter be in force in British Columbia, upon or in respect of any quartz mill or mills, steam saw mill, or mining machinery, of whatever nature or description, already imported, or that may hereafter be imported into British Columbia by the said company, for the purpose of being used by them in mining, and not for sale.

Governor may also remit Road Tolls.

2. It shall be lawful for the Governor of British Columbia for the time being, on application by the said company, if he shall think fit, to remit the whole or any part of any Road and Bridge Toll or Tolls, which by any law now in force, or that may hereafter be in force in British Columbia, might be assessed, levied, or collected by the Government of British Columbia, for, upon, or in respect of any machinery, of whatever nature or description, that the said company may cause to be transported from Victoria to Williams Creek, for the working by them of any mine or mines.

Till what date Act is in force.

3. This Act, so far as regards the remission of Customs duties is concerned, shall be in force until the 1st day of July next; and

so far as regards the remission of Road Tolls, shall be in force for one year from the date when it comes into operation. A.D. 1871.

4. Provided always, that this Act shall not take effect until after the said company has been duly registered as a Joint Stock Company, according to the laws in force in the said Colony. Act not to take effect until Company have registered in the Colony.

5. This Act may be cited for all purposes as "The Lane and Kurtz Cariboo Mining Company's Act, 1871." Short Title.

No. 147.

An Act to amend and alter the Constitution of this Colony. A.D. 1871.

[14th February, 1871.]

WHEREAS negotiations have taken place between the Government of this Colony and the Government of the Dominion of Canada, respecting the admission of this Colony into the Union or Dominion of Canada, constituted by the "British North America Act, 1867," and Terms for Union have been offered by the Government of the Dominion of Canada to the Government of this Colony, which Terms have been agreed to by the Legislative Council of this Colony, and have been embodied in an Address, pursuant to the provisions of the "British North America Act, 1867," in that behalf, from the Legislative Council of this Colony, in the present Session, to Her Majesty the Queen: Preamble.

And whereas the following provision is inserted in the Terms so offered and agreed to as aforesaid, viz.:—"The Constitution of the Executive authority and of the Legislature of British Columbia shall, subject to the provisions of the "British North America Act, 1867," continue as existing at the time of the Union, until altered under the authority of the said Act, it being at the same time understood that the Government of the Dominion will readily consent to the introduction of Responsible Government when desired by the Inhabitants of British Columbia; and it being likewise understood to be the intention of the Governor of British Columbia, under the authority of the Secretary of State for the Colonies, to amend the existing Constitution of the Legislature, by providing that a majority of its Members shall be elective:"

And whereas since the time when those Terms were offered, Her Majesty, by an Order in Council, bearing date the 9th day of August, 1870, and made in pursuance of the "British Columbia Act, 1870," has established in this Colony the present Legislative

A.D. 1871.

Council, consisting of Nine Elective and Six Non-Elective Members, and has declared that it shall be lawful for the Governor, with the advice and consent of the said Council, to make Laws for the peace, order, and good government of this Colony:

And whereas the Legislature now established in this Colony is a Representative Legislature, within the meaning of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Session holden in the 28th and 29th years of the Reign of Her present Majesty, intituled "An Act to remove doubts as to the validity of Colonial Laws," and has power to make Laws respecting the Constitution, Powers, and Procedure of such Legislature:

And whereas it is desirable that this Colony should enter into the Union with the Dominion of Canada with a Constitution altered in some respects to that at present subsisting, and with an enlarged Legislative Assembly consisting of wholly elective members:

Be it enacted by His Excellency the Governor of the said Colony of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Interpretation.

1. In this Act the term "Governor," shall mean the Officer Administering the Government of the Colony of British Columbia.

Executive power.

2. The Executive power shall, so far as the same is unaltered by this Act, be continued as it exists at present, subject, however, upon the Union of this Colony with the Dominion of Canada, to the provisions of the "British North America Act, 1867," Sections 58, 59, 60, 61, 62, 66, and 67, and to any other part of the said Act affecting the same, and to any Order of Her Majesty in Council framed in pursuance of the said Act, or to any Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed for the purpose of effecting the Union of this Colony with the Dominion of Canada.

Composition of Executive Council:
Officers included in the first instance.

3. The Executive Council of British Columbia shall be composed of such persons as the Governor from time to time thinks fit, not exceeding five, and in the first instance shall include the following Officers, namely:—the Colonial Secretary, the Attorney General, and the Chief Commissioner of Lands and Works.

Appointment of Executive Officers on vacancies.

4. When either of the offices held by the last mentioned Officers becomes vacant, that is to say, the office of Colonial Secretary, of Attorney General, or of Chief Commissioner of Lands and Works, by the death, removal, or resignation of the present occupants, the Governor may appoint officers to hold such offices respectively during pleasure, and may from time to time appoint other or additional officers to be members of the Executive Council, and to hold office during pleasure, and the Governor in Council may from time to time prescribe the duties of those officers and of the

Governor in Council may prescribe their duties.

several Departments over which they shall preside, or to which they shall belong, and of the officers and clerks thereof; but so nevertheless that the whole number of members of the Executive Council shall not exceed the number of five as is hereinbefore in that behalf provided.

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5. All rights, powers, duties, functions, responsibilities, or authorities, at the passing of this Act, vested in or imposed on the Colonial Secretary, Attorney General, and Chief Commissioner of Lands and Works, or any other officer to be appointed as aforesaid by the Governor, by any Proclamation, Law, Act, or Ordinance now in force in this Colony, and not repugnant to this Act, shall be vested in or imposed on any officer to be appointed by the Governor for the discharge of the same or any of them, subject to the regulations from time to time made by the Governor in Council, as is hereinbefore provided.

Powers, duties, &c., of Executive Officers;

Subject to prescription as above provided.

6. There shall be established in this Colony, instead of the Legislative Council now subsisting, a Legislative Assembly constituted in the manner hereinafter provided, and the Governor shall have power, by and with the advice and consent of the said Assembly, to make Laws in and for this Colony in all cases whatever, [subject however after the Union of this Colony with the Dominion of Canada, if such Union shall take effect, to the provisions of the "British North America Act, 1867," or to any Order of Her Majesty in Council, or Act of the Parliament of the United Kingdom of Great Britain and Ireland, framed or passed for the purpose of effecting such Union.

Legislative Assembly constituted.

7. The Legislative Assembly shall consist of twenty-five members to be elected as hereinafter provided, and for the purpose of returning such members the Colony shall be divided into twelve Electoral Districts, the boundaries whereof shall, for the purposes of this Act, be those set forth in the Schedule hereunto annexed marked A., each of which Districts shall return the number of members assigned thereto in the said Schedule.

No. of Assembly.

Electoral Districts.

8. No person accepting or holding in British Columbia any office, commission, or employment, permanent or temporary, to which an annual salary, or any fee, allowance, or emolument, or profit of any kind, or amount whatever from the Colony is attached, shall be eligible as a member of the Assembly, nor shall he sit or vote as such; but nothing in this Section shall make ineligible any person being a member of the Executive Council as hereinbefore mentioned, or shall disqualify him to sit or vote in the Assembly, provided he is elected while holding such office.

Restriction on election of holders of offices.

9. No person whosoever holding or enjoying, undertaking or executing, directly or indirectly, alone or with any other, by himself, or by the interposition of any trustee, or third party, any contract or agreement with Her Majesty, or with any public officer

No public contractor &c., to be eligible as member.

A.D. 1871.

or department, with respect to the public service of this Colony, or under which any public money of this Colony is to be paid for any service or work, shall be eligible as a member of the Legislative Assembly, nor shall he sit or vote in the same.

Election of persons disqualified to be void.

10. If any person disqualified or declared incapable of being elected a member of the Assembly by this Act, or by any other Law in force in this Colony, is nevertheless elected and returned as a member, his election and return shall be null and void.

No disqualified person to sit or vote in Assembly.

11. No person disqualified by this Act, or by any other Law, to be elected a member of the Assembly, or to sit or vote in the same, shall sit or vote in the same while he remains under such disqualification.

Penalty for so doing ;

how recoverable.

12. If any person so disqualified or declared incapable of sitting or voting in the Assembly, sits or votes therein, he shall thereby forfeit the sum of five hundred dollars for each and every day on which he so sits or votes ; and such sum may be recovered from him by any person who will sue for the same by action of debt, bill, plaint, or information, in any Court of competent civil jurisdiction in this Colony.

Continuance of existing election laws.

13. All Laws which, at the time this Act comes into operation, are in force in this Colony, or are passed during the present Session of the Legislature, relative to the following matters, or any of them, namely:—

The qualifications and disqualifications of persons in any respect not provided for by this Act, to be elected or to sit or vote as members of the existing Legislative Council ; the qualifications or disqualifications of voters ; the registration of persons qualified to vote, and the compilation and revision of lists of all such persons ; the oaths to be taken by voters ; the Returning Officers, their powers and duties ; the issuing, executing, and returning the necessary writs for the election of members to the said Council ; the proceedings at elections ; the periods during which such elections may be continued ; and the trial of controverted elections, and the proceedings incident thereto, shall, when not absolutely repugnant to the provisions of this Act, respectively apply to elections of members to serve in the Legislative Assembly of British Columbia, constituted by this Act.

Writs for first Election.

14. For the purposes of the first election of the members of the Assembly, and for all general elections of members of the Assembly, the writs for the several Districts shall be issued by the Registrar of the Supreme Court, at the instance of the Governor, addressed to the Returning Officers respectively of each District.

Summoning of Assembly.

15. The Governor of British Columbia shall, from time to time, in the Queen's name, by Instrument under the Public Seal of British Columbia, summon and call together the Assembly.

16. The Governor may by Proclamation, in Her Majesty's name, under the public seal of the Colony, prorogue or dissolve the said Assembly when he shall think fit; and in the absence of such dissolution the members of the said Assembly shall hold their seats for four years from the day of the returning of the first writs for the election of members to the said Assembly, and no longer.

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Prorogation, dissolution, and duration of Assembly.

17. No member of the Assembly shall vote or sit therein until he shall have taken and subscribed the following oath before the Governor, or some other person authorized by him to administer such oath:—

Oath of Allegiance.

“I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors, according to Law. So help me God.”

But every person authorized by Law to make a solemn affirmation or declaration instead of taking an oath, may make such affirmation or declaration in lieu of the said oath.

18. The Assembly shall, on their first meeting, before proceeding to the dispatch of business, elect one of their members to be Speaker, which election being confirmed by the Governor, shall be valid and effectual during the continuance of the Assembly, or until the said Speaker shall die, or resign his office by writing under his hand, addressed to the Governor, or shall cease to be a member of the Assembly.

Speaker to be elected.

19. In case of a vacancy happening in the office of Speaker by death, resignation, or otherwise, the Assembly shall, with all practicable speed, proceed to elect another of its members to be Speaker.

Vacancy to be filled up.

20. The Speaker shall preside at all meetings of the Assembly.

Speaker to preside.

21. If the Speaker, from illness or other cause, does not attend a meeting of the Assembly, a member elected by the Assembly may preside at such meeting until the close of such meeting, or until the Speaker himself arrives and takes the Chair; and whenever the Speaker, from illness or other cause, finds it necessary to leave the Chair during a meeting of the Assembly, on any day, he may call upon any member thereof to take the Chair and act as Speaker during the remainder of such day, unless the Speaker himself resume the Chair before the close of the sittings for that day, and the member so elected or so called upon shall take the Chair and act as Speaker accordingly; and every Act passed, and every order made, and thing done by the said Assembly, while such member is acting as Speaker as aforesaid, shall be as valid and effectual, to all intents and purposes, as if done while the Speaker himself was presiding in the Chair.

Speaker not attending, member may preside.

Speaker absenting himself during sitting may call upon member to act.

Acting Speaker's acts, &c., valid.

22. In case of the absence, for any reason, of the Speaker from the Chair of the Assembly for a period of forty-eight consecutive

If Speaker absent for 48 hours, another

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member may be
elected Speaker.

hours, the Assembly may elect another of its members to act as Speaker, and the member so elected shall, during the continuance of such absence of the Speaker, have and execute all the powers, privileges, and duties of the Speaker.

Quorum for busi-
ness.

23. The Assembly shall not be competent to the dispatch of any business, except that of adjournment, unless nine members be present, and for this purpose the Speaker, if present, shall be reckoned as a member.

Voting, and Speak-
er's casting vote.

24. All questions shall be determined by a majority of votes of the members present, other than the Speaker. When the votes are equal, the Speaker shall have a casting vote.

Standing Rules and
Orders.

25. The Assembly shall at its first meeting, and from time to time afterwards, as occasion may require, adopt Standing Rules and Orders for the orderly conduct of business.

Initiation of Laws
by the Governor.

26. The Governor may transmit by message to the Assembly the draft of any Laws which it may appear to him desirable to introduce, and all such drafts shall be taken into consideration by the Assembly, in such convenient manner as shall be by the Rules and Orders provided for that purpose.

Governor may re-
turn Bills passed by
Assembly for re-
consideration.

27. Whenever any Bill shall be presented to the Governor for his assent thereto, he may return the same, by message, for the re-consideration of the Assembly, with such amendments as he may think fitting.

Certain provisions
in Order in Council
to apply until union
with Canada.

28. The provisions in the recited Order in Council of the 9th day of August, 1870, relating to the Governor's assent to Laws relating to Revenue Bills, and to disallowance of Laws by Her Majesty, shall be in force in this Colony, and apply as if they were inserted in this Act; but nothing in this Section contained shall be taken in any way to interfere with the operation of the 90th Section of the "British North America Act, 1867," after the Union of this Colony with the Dominion of Canada shall have been effected.

Duration of Assem-
bly.

29. Every Legislative Assembly of this Colony shall continue for four years from the day of the return of the writs for choosing the same, and no longer, subject, nevertheless, to being sooner dissolved by the Governor.

Yearly Session of
Assembly.

30. There shall be a Session of the Legislature of this Colony once, at least, every year, so that twelve months shall not intervene between the last sitting of the Assembly in one Session and its first sitting in the next Session.

Seat of members
forfeited in certain
cases.

31. If any member of the Assembly shall, without the permission of the Assembly, fail during a whole Session to give his attendance in the said Assembly, or shall take any oath or make any declaration or acknowledgment of allegiance, obedience, or adherence to any Foreign State or Power, or shall do, concur in, or adopt any

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act whereby he may become the subject or citizen of any such State or Power, or shall become a bankrupt, or an insolvent debtor, or a public defaulter, or be attainted of treason, or be convicted of felony or any infamous crime, or if any member of the Assembly, by accepting any office, or becoming a party to any contract or agreement becomes disqualified by Law to continue to sit or vote in the same, his election shall thereby become void and the seat of such member shall be vacated, and a writ shall forthwith issue for a new election as if he were naturally dead.

32. Provided, nevertheless, that whenever any person holding the office of Colonial Secretary, Attorney General, or Chief Commissioner of Lands and Works, or any other office, who is a member of the Executive Council, and also a member of the Assembly, resigns his office, and within one month after his resignation accepts any other office, but still remains a member of the Executive Council, he shall not thereby vacate his seat in the said Assembly.

Executive Officer may resign and accept another office without vacating seat.

33. Any member of the Assembly wishing to resign his seat may do so by giving in his place in the Assembly notice of his intention to resign, in which case, and immediately after such notice has been entered by the Clerk in the Journals of the House, the Speaker may address his Warrant under his hand and seal to the Registrar of the Supreme Court for the issue of a writ for the election of a new member in the place of the member resigning.

Member may resign by giving notice in his place;

to be entered on Journals.

Issue of Writ.

Or such member may address and cause to be delivered to the Speaker a declaration of his intention to resign his seat, made in writing under his hand and seal before two witnesses, which declaration may be so made and delivered either during a Session of the Assembly or in the interval between two Sessions; and the Speaker may, upon receiving such declaration, forthwith address his warrant, under his hand and seal, to the Registrar of the Supreme Court for the issue of a writ for the election of a new member in the place of the member so resigning, and a writ shall issue accordingly; and an entry of the declaration so delivered to the Speaker shall thereafter be made in the Journals of the Assembly.

Or by declaration of his intention, in manner prescribed.

Issue of Writ.

And the member so tendering his resignation shall be held to have vacated his seat and cease to be a member of the Assembly.

Vacation of Seat.

34. No member shall so tender his resignation while his election is lawfully contested, nor until after the expiration of the time during which it may by Law be contested.

No resignation to be tendered whilst Election is contested.

35. If any member of the Legislative Assembly wishes to resign his seat in the interval between two Sessions of the Assembly, and there is then no Speaker, or if such member be himself the Speaker, he may address and cause to be delivered to any two members of the Assembly, the declaration before mentioned of his intention to resign; and such two members, upon receiving such declaration,

Provisions as to resignation between two Sessions when there is no Speaker, or if member be himself Speaker.

A.D. 1871.

Issue of Writ.

shall forthwith address their warrant, under their hands and seals, to the Registrar of the Supreme Court, for the issue of a new writ for the election of a member in the place of the member so notifying his intention to resign, and such writ shall issue accordingly; and the member so tendering his resignation, shall be held to have vacated his seat, and cease to be a member of the Legislative Assembly.

Provisions as to
vacancies in Assem-
bly.

36. If any vacancy happens in the Assembly by the death of any member, or by his accepting any office, the Speaker on being informed of such vacancy by any member of the Assembly in his place, or by notice in writing, under the hands and seals of any two members of the House, shall forthwith address his warrant to the Registrar of the Supreme Court, for the issue of a new writ for the election of a member to fill the vacancy, and a new writ shall issue accordingly.

If any such vacancy happens, and at any time thereafter, before the Speaker's warrant for a new writ has issued, there be no Speaker of the House, or the Speaker be absent from the Colony, or if the Member whose seat is vacated be himself the Speaker, then any two members of the Assembly may address their warrant, under their hands and seals, to the Registrar of the Supreme Court, for the issue of a new writ for the election of a member to fill such vacancy, and such writ shall issue accordingly.

As to vacancies after
General Election,
and before first
meeting of Assem-
bly.

37. The Registrar of the Supreme Court may, at the Governor's instance, issue a new writ for the election of a member of the Legislative Assembly, to fill up any vacancy arising subsequently to a General Election, and before the first meeting of the Legislative Assembly thereafter, by reason of the death or acceptance of office of any member, and such writ may issue at any time after such death or acceptance of office.

But the election to be held under such writ shall not in any manner affect the rights of any person entitled to contest the previous Election; and the Report of any competent authority appointed to try such previous Election, shall determine whether the member who has so died or accepted office, or any other person was duly returned or elected thereat, which determination, if adverse to the return of such member, and in favour of any other candidate, shall avoid the election held under this section; and the candidate declared duly elected at the previous election shall be entitled to take his seat, as if no subsequent election had been held.

Allowance to mem-
bers for attendance.

38. In each Session of the Assembly, there shall be allowed to each Member of the Legislative Assembly attending at such Session, five dollars for each day's attendance, during the period of fifty days, if the Session shall continue so long, but no such allowance shall exceed the sum of two hundred and fifty dollars.

Each day during the Session on which there has been no sitting, or on which the member has been prevented by sickness from attending any sitting, but on which in either case he was in the place where the Session is held shall be reckoned as a day of attendance at such Session.

A.D. 1871.

39. There shall also be allowed to each member of the Legislative Assembly, fifteen cents for each mile of the distance between the place of residence of such member and the place at which the Session is held, reckoning such distance going and coming.

Allowance to members for mileage.

40. Each member at the close of any Session shall make and sign, before the Speaker of the Assembly, a solemn declaration stating the number of days' attendance, and the number of miles of distance for which such member is entitled to the said allowance; and such declaration may be in the form in the Schedule hereunto annexed, marked B., and shall have the same effect as an affidavit in the same form.

Declaration to be made by members.

41. The Speaker shall settle the amount to which each member is entitled under this Act for allowances, and shall give a certificate under his hand, at the close of each Session, stating the amount to which each member is entitled, distinguishing in each case the amount settled for attendance, and the amount settled for travelling expenses, which certificate, together with the declarations hereby required to be made by members, shall be forwarded to the Governor by the Clerk of the Assembly.

Amounts to be settled by Speaker.

Certificate of Speaker to be forwarded to Governor.

42. Upon such certificate and declarations being forwarded as aforesaid, the Governor shall issue his warrant to the proper officer of the Treasury to pay the respective amounts to the members named in such certificate, and shall return the declarations to the Clerk of the Assembly, to be kept by him amongst his official documents.

Governor to issue warrant on Treasury for amount.

43. No omission or failure to elect a member or members in or for any Electoral District, nor the vacating the seat or avoiding the election of any such member or members, shall be deemed or taken to make the Assembly incomplete, or to invalidate any proceedings thereof, or to prevent such Assembly from meeting and dispatching business, so long as there shall be a quorum of members present.

Omission to elect member for any District, vacation of seat, &c., not to invalidate proceedings of Assembly.

44. It shall be lawful for the Legislature of this Colony, from time to time, to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Assembly, and by the members thereof respectively. Provided, that no such privileges, immunities, or powers shall exceed those, at the passing of this Act, held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof.

Privileges of Legislature.

A.D. 1871.

Appointment to
Public Offices.

45. The appointment to Public Offices under the Government of British Columbia, hereafter to become vacant, or to be created, whether such offices be salaried or not, shall be vested in the Governor, with the advice of the Executive Council, with the exception of the appointment of the Officers who are also appointed members of the Executive Council, which appointments shall be vested in the Governor alone.

Warrants for issue
of money.

46. No part of the Revenue of this Colony shall be issued out of the Treasury of this Colony, except in pursuance of warrants under the hand of the Governor.

Suspending clause.

47. This Act shall not come into operation until it has received Her Majesty's assent, nor until such assent has been proclaimed in this Colony by the Governor, nor until the expiration of such time as the Governor shall direct, after such assent has been proclaimed as aforesaid, to be fixed by the Governor in such Proclamation.

How Act to be con-
strued.

48. If the projected Union of this Colony with the Dominion of Canada shall be carried into effect, this Act shall be construed, after this Colony has been so united as aforesaid, anything hereinbefore contained to the contrary notwithstanding, as being subject to all the provisions contained in the "British North America Act, 1867," which may by such union become applicable to this Colony, and to the provisions contained in any Order of Her Majesty in Council for the admission of this Colony into such union as aforesaid, under the authority of that Act, and to the provisions contained in any Act of the Parliament of the United Kingdom of Great Britain and Ireland, made for the purpose of effecting such union as aforesaid, or to any other provisions framed by competent authority, other than already mentioned, for such purpose.

Short Title.

49. This Act may be cited as "The Constitution Act, 1871."

SCHEDULE A.

Cariboo District, as defined in a Public Notice from the Lands and Works Office on the 15th day of December, A.D. 1869, by the desire of the Governor, and purporting to be in accordance with the provisions of the 39th Clause of the "Mineral Ordinance, 1869," shall constitute one District, to be designated "Cariboo District," and return Three Members.

Lillooet District, as defined in the said Public Notice, shall constitute one District, to be designated "Lillooet District," and return Two Members.

Yale District, as defined in the said Public Notice, shall constitute one District, to be designated "Yale District," and return Three Members.

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Kootenay District, as defined in the said Public Notice, shall constitute one District, to be designated "Kootenay District," and return Two Members.

New Westminster and the Coast Districts, as defined in the said Public Notice, other than and except that portion thereof next hereinafter defined as New Westminster City District, shall constitute one District, to be designated "New Westminster District," and return Two Members.

All that tract of land indicated as the City and Suburbs of New Westminster upon an Official Map now deposited in the Lands and Works Office, Victoria, which Map is designated "District of New Westminster," "Suburbs," bears the Official Seal of the Lands and Works Department, and is signed "R.C. Moody," the exact boundaries of which tract of land are defined on the said Map by a dotted line and by the bank of the Fraser River, shall constitute one District, to be designated "New Westminster City District," and return One Member.

That tract of land comprised within the Municipal limits of the City of Victoria, as defined by law for the time being, shall constitute one District, to be designated "Victoria City District," and return Four Members.

Those tracts of land included within Nanaimo, Mountain, Cedar, and Cranberry Districts, as defined on the Official Maps of those districts now deposited in the Land Office, Victoria, and which Maps are designated respectively "Nanaimo District Official Map, 1859," "Mountain District Official Map, 1859," "Cedar District Official Map 1859," "Cranberry District Official Map, 1859," shall constitute one District, to be designated "Nanaimo District," and return One Member.

Those tracts of land included within Cowichan, Quamichan, Somenos, Comiaken, Shawnigan, Chemainis, and Salt Spring Island, as defined on the Official Maps of those Districts now deposited in the Land Office, Victoria, and which Maps are designated respectively "Cowichan District," "Quamichan District," "Somenos District," "Comiaken District," "Shawnigan District," "Chemainis District Official Plan," and "Salt Spring Island District," shall constitute one District, to be designated "Cowichan District," and return Two Members.

That tract of land defined on the Official Map of Comox District now deposited in the Land Office, Victoria, under the name "Official Map, Comox District," shall constitute one District, to be designated "Comox District," and return One Member.

Those tracts of land, other than and except Victoria City District hereinbefore mentioned, comprised within the Victoria, Lake, North Saanich, and South Saanich Districts, as defined on the Official Maps of those Districts now deposited in the Land Office, Victoria, and which Maps are designated respectively "Victoria District Official Map, 1858," "Lake District," "North Saanich, 1859," "South Saanich Official Map, 1859," shall constitute one District, to be designated "Victoria District," and return Two Members.

Those tracts of land comprised within the Metchosin, Esquimalt, Sooke and Highland Districts, as defined on the Official Maps of those Districts now deposited in the Land Office, Victoria, and which Maps are designated respectively "Metchosin District Official Map, Anno 1858," "Esquimalt District Official Map, 1858," "Sooke District Official Map, 1858," "Highland District

A.D. 1871.

Official Map, 1862," shall constitute one District, to be designated "Esquimalt District," and return Two Members.

Provided that all Islands not hereinbefore mentioned, and parts of Islands, adjacent to any of the above Districts in Vancouver Island, shall be included in the Districts which are nearest to those Islands, and parts of Islands, respectively.

SCHEDULE B.

I, *A. B.*, one of the Members of the Legislative Assembly, solemnly declare that I reside at _____, which is distant _____ miles from _____, where the Session of the Assembly which began on the _____ day of 18____, was held; that during the said Session I was present _____ days at _____, where the Session was held; and that on each of the said days on which there was a sitting of the said Assembly I attended such sitting, or a sitting of some Committee thereof, * except only on _____ days, on _____ ** of which days I was prevented by sickness from attending any such sitting though I was then present at _____ ***

Signature, *A. B.*

Declared before me this _____ day of _____

18____,

C. D.,

Clerk of the Legislative Council.

If the Member attended a sitting of the House, or of some Committee, on every sitting day during the time at which he was present where the Session was held, omit the words from * to ***, and if his non-attendance was not on any day occasioned by sickness, omit the words from ** to ***.

No. 148.

A.D. 1871.

An Act granting a Supplemental Supply of Forty-five thousand nine hundred and sixty-nine dollars and seven cents, out of the General Revenue of the Colony of British Columbia and its Dependencies, for the Contingent Service of the year 1870.

[24th February, 1871.]

Preamble.

MOST Gracious Sovereign: whereas certain further Supplies are required for the use of Your Majesty: and whereas we, the Legislative Council of British Columbia, do cheerfully grant the same: we do therefore beseech Your Majesty that it may be enacted; and

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

A.D. 1871.

1. That the sum of forty-five thousand nine hundred and sixty-nine dollars and seven cents be granted to the use of Her Majesty, for the purposes mentioned in the Schedule hereto, and that the same be paid out of the General Revenue of the Colony of British Columbia and its Dependencies, for the service of the year 1870; and the Governor of the said Colony is hereby authorized to empower the Officer acting as Treasurer of the said Colony to give and apply the same accordingly.

Grants Supplemental Supply of
\$45,969 07.

SCHEDULE.

SERVICES EXCLUSIVE OF ESTABLISHMENTS.

Revenue Services, Exclusive of Establishments.....	\$ 570 00
Administration of Justice.....Do.....	1,650 00
Charitable Allowances.....	560 00
Police and Gaols, Exclusive of Establishments.....	4,853 00
Transport.....	4,398 00
Works and Buildings.....	7,278 00
Roads, Streets, and Bridges.....	4,000 00
Miscellaneous Services.....	17,440 00
Government Vessels.....	1,750 00
Lighthouses.....	551 00
Deposits.....	1,919 07
The Commissioners of Savings Banks Account.....	1,000 00

No. 149.

An Act to amend "The Tolls Exemption Ordinance, 1865."

A.D. 1871.

[24th February, 1871.] *Vide* No. 164.
Preamble.

WHEREAS by "The Tolls Exemption Ordinance, 1865," it is amongst other things provided, that all wheat, beans, peas, oats, barley, and grain of all kinds, hay, roots, vegetables, and other agricultural produce in an unprepared state, the growth of the Colony of British Columbia, should be exempt from liability to any Road or Ferry Tolls in the Colony, subject as is therein mentioned; and it is expedient to exempt flour and meal, manufactured in this Colony from wheat, beans, peas, oats, barley, and grain of all kinds

A.D. 1871. which have been grown in the Colony also from Road and Ferry Tolls:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Exempts flour manufactured in the Colony from Road Tolls.

1. From and after the passing of this Act, all flour and meal manufactured in this Colony from wheat, beans, peas, oats, barley, and grain of all kinds, grown in the Colony, shall be exempt from liability to any Road or Ferry Tolls in the Colony, payable to the use of Her Majesty, Her heirs and successors, in like manner as if such flour and meal respectively had been specified in "The Tolls Exemption Ordinance, 1865."

Short Title.

2. This Act may be cited as "The Tolls Exemption Ordinance, 1865, Amendment Act."

No. 150.

A.D. 1871. An Act respecting Literary Societies and Mechanics' Institutes.
[24th February, 1871.]

Preamble.

WHEREAS it is expedient that facilities should be afforded for the Incorporation of Literary Societies and Mechanics' Institutes:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Declaration to be made by persons intending to establish a Literary Society or Mechanics' Institute.

1. Any number of persons, not less than ten, having subscribed or holding together not less than one hundred dollars in money or money's worth, for the use of their intended Society or Institute, may make and sign a declaration (in duplicate) of their intention to establish a Literary Society or a Mechanics' Institute, or both (as the case may be), at some place in British Columbia to be named in such declaration, in which they shall also state,—

- (1.) The Corporate name of the Society or Institute:
- (2.) Its purpose:
- (3.) The amount of money or money's worth subscribed by them respectively, or held by them for the use thereof:
- (4.) The names of those who are to be the first Trustees, Directors, or Committee for managing its affairs: and
- (5.) The mode in which their successors are to be appointed, or new members of the corporation admitted, or in which By-Laws are to be made for such appointment or admission, or for any other purpose or for all purposes: and

(6.) Generally, such other particulars and provisions as they may think necessary, not being contrary to this Act or to Law. A.D. 1871.

2. One duplicate of such declaration shall be filed in the office of the Registrar General of Titles, or of any Deputy Registrar, by one of the subscribing parties, who shall before such Registrar acknowledge the execution thereof by himself, and declare the same to have been executed by the other parties thereto, either in person or by their Attorneys. Duplicate of declaration to be filed in office of Registrar General.

3. Such Registrar General or Deputy Registrar shall keep the duplicate so filed, and deliver the other to the person who filed it, with a certificate of the same having been so filed, and of the execution having been attested before him, and such duplicate or any copy thereof certified by such Registrar General or Deputy Registrar, shall be prima facie evidence of the facts alleged in such declaration and certificate. Certificate of filing granted.

4. A fee of five dollars shall be paid to the Registrar General or Deputy Registrar aforesaid, for his own use, for the filing of such declaration and delivering the certificate thereof as aforesaid. Fee for filing.

5. When the formalities aforesaid have been complied with, the persons who signed such Declaration, or the Trustees, Directors, or Committee for the time being of any such Society or Institute, or united Societies or Institutes, and their successors, shall be a body corporate and politic, and shall have the powers, rights, and immunities vested in such bodies by Law, with power to such Corporation in their corporate name, from time to time to acquire and hold to them and to their successors, for the use of such Corporation, any messuages, lands, tenements, or hereditaments situate within this Colony, subject to the limits hereinafter specified. On filing of the declaration, the Literary Institute to be a body corporate.

6. In case of a Literary Society or Mechanics' Institute (or both united) established or in existence when this Act takes effect, the Trustees, Directors, or Committee thereof for the time being may make and sign a declaration of their wish or determination to become Incorporated according to the provisions of this Act, stating in such declaration the corporate name to be assumed by such Society or Institute, or united Societies or Institutes; and, also, with such declaration file, in the manner hereinbefore provided, a copy of the Constitution and By-Laws of such Society or Institute, or united Societies or Institutes, together with a general statement of the nature and amount of all the property, real or personal, held by or in trust for such Society or Institute, or united Societies or Institutes. Declaration to be made in the case of existing institutions.

7. Any Literary Society or Mechanics' Institute duly incorporated, and situate in any Town or City having three thousand Inhabitants, or more, may hold real property not exceeding in annual value the sum of two thousand dollars. Value of land which may be held

A.D. 1871.

8. Any Literary Society or Mechanics' Institute duly Incorporated, and situate in any Village, Town, or City not having three thousand Inhabitants, may hold real property not exceeding in annual value the sum of one thousand dollars.

Managing body of
such Corporations.

9. The affairs of every such Corporation shall be managed by the Trustees, Directors, or Committee thereof for the time being appointed as hereinafter, or by any By-Law of the Corporation provided, who, or a majority of whom, may exercise all the powers of the Corporation, and act in its name and on its behalf, and use its seal, subject, always, to any provisions limiting the exercise of such powers in the declaration aforesaid, or in any By-Law of the Corporation.

Who shall be a
member thereof.

10. For the purposes of this Act, and where not otherwise specially provided, a member of any such Society or Institute as aforesaid shall be a person who, having been admitted therein according to the Rules and Regulations thereof, shall have paid a subscription, or shall have signed the roll or list of members (if any); but in all proceedings under this Act, no person shall be entitled to vote or be counted as a member whose current subscriptions shall be in arrear at the time.

By-Laws.

11. Such Trustees, Directors, or Committee, or a majority of them, may make By-Laws binding the members and officers thereof, and all others who not being members agree to be bound by them, for all purposes relative to the affairs and business of the Corporation, except as to matters touching which it is provided by the declaration aforesaid that By-Laws shall be made in some other manner.

Election of govern-
ing body.

12. The members of every such Corporation may, at their annual meeting to be held on the day appointed by a By-Law of the Corporation, choose from among themselves a Board of Trustees, or Directors, or a Committee of such Corporation, who shall hold office for one year, or such further time as may be hereinafter limited or permitted, and shall be the governing body of such Corporation for the time being.

Failure to elect not
to operate a disso-
lution of the Corpo-
ration.

13. A failure to elect Trustees, Directors, or a Committee on any day appointed for that purpose by the declaration aforesaid, or by any By-Laws, shall not operate the dissolution of the Corporation, but the Trustees, Directors, or Committee then in office shall remain in office until their successors are elected, which they may be (if no other provision be made therefor by the declaration or By-Laws) at any meeting of members of the Corporation at which a majority of such members are present, in whatever way such meeting may have been called.

Fines may be im-
posed.

14. Every such Corporation may, by its By-Laws, impose a fine not exceeding five dollars on any member contravening the same,

or on any person not being a member of the Corporation who has in writing agreed to obey the By-Law for the contravention whereof it is imposed.

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15. Any such fine, if incurred, and any subscription or other sum of money which any member or other person may have agreed to pay to the Corporation for his subscription to the funds of the Corporation for any certain time, or for the loan of any book or instrument, or for the right of entry to the rooms of the Corporation, or for attending any lectures, or for any other privilege or advantage afforded him by such Corporation, may be recovered by the Corporation by action in any Court having jurisdiction in civil matters to the amount, on allegation and proof of membership, or of the signature of the defendant to some writing, by which he has undertaken to pay such subscription, or to obey such By-Laws, and of the breach of such undertaking, which breach as regards a promise to pay any sum of money shall be presumed, until the contrary is shewn, and as regards the contravention of any such By-Law may be proved by the oath of any one credible witness.

Mode of recovering fines.

16. In any action to which the Corporation may be a party, any member or officer of the Corporation shall be a competent witness, and a copy of any By-Law bearing the signature of the defendant, or bearing the seal of the Corporation, and the signature of some person purporting to have affixed such seal by authority of the Corporation, shall be prima facie evidence of such By-Law.

In any action a member may be a witness, and copy of By-Law, under seal, evidence thereof.

17. Any fine incurred may be recovered in like manner as a subscription or other sum of money, and all fines so recovered shall belong to the Corporation, for the use thereof.

Fines belong to Corporation.

18. Any such Corporation may, if so stated in the declaration aforesaid, be at the same time a Mechanics' Institute and a Literary Society, or either of them, and their business shall accordingly be the ordinary and usual business of a Mechanics' Institute, or of a Literary Society, or both, as the case may be, and no other; but may embrace all things necessary and useful for the proper and convenient carrying on of such business; and their funds and property shall be appropriated and used for purposes legitimately appertaining to such business, and for no other.

Business and purpose of such Corporations.

19. If it be provided in the declaration aforesaid, or by the By-Laws of the Corporation, that the shares of the members, or of any class of members, in the property of the Corporation shall be transferable, then they shall be transferable accordingly, in the way and subject to the conditions mentioned in such declaration or By-Laws, if by such declaration such transfers are to be regulated by them.

Shares to be transferable.

20. All such shares shall be personal property, and by the declaration or By-Law provision may be made for the forfeiture of the

Personal property, and may be forfeited.

A.D. 1871.

shares in cases to be therein named, or for preventing the transfer thereof to others than persons of some certain description, or resident within some certain locality.

Provision for dissolution.

21. Provision for the dissolution of such Corporation may be made by the declaration, or it may be therein provided that such provision may be made by the By-Laws of the Corporation; but no such dissolution shall take place until the liabilities of the Corporation are discharged.

Punishment for stealing property of Corporation;

22. Any member of any such Corporation who shall steal, purloin, or embezzle the money, securities for money, goods, or chattels of the Corporation, or wilfully and maliciously, or wilfully and unlawfully destroy or injure the property of such Corporation, or shall forge any deed, bond, security for money, receipt, or other instrument whereby the funds of the Corporation may be exposed to loss, shall be subject to the same prosecution, and if convicted by any Court of competent jurisdiction, shall be liable to be punished in like manner as any person not a member would be subject and liable to in respect of the like offence.

and for having any property of the Corporation in possession without accounting therefor.

23. If any person shall knowingly buy, take in exchange, or have in his possession or keeping, without satisfactorily accounting for the same, any book or other article which is the property of any such Corporation, he shall, whether a member of such Corporation or not, be liable to a penalty not exceeding one hundred dollars, with or without imprisonment for any term not exceeding three calendar months, on conviction of such offence by or before any Stipendiary Magistrate or two Justices of the Peace.

Short Title.

24. This Act may be cited for all purposes as "The Literary Societies Act, 1871."

No. 151.

A.D. 1871.

An Act relating to proceedings under "The Tax Sale Repeal Ordinance, 1867."

[2nd March, 1871.]

Preamble.

WHEREAS by "The Tax Sale Repeal Ordinance, 1867," it was provided, amongst other things, that it should be lawful for the Governor at any time, and from time to time thereafter, to cause a list to be made out of taxes and sums due and chargeable on Real Estate, in respect of the Real Estate Tax Acts of the years 1860 and 1862, of the then lately separate Colony of Vancouver Island and its Dependencies, and of the said "Tax Sale Repeal

Ordinance, 1867," and to cause the same to be published in the Government Gazette, for the period of time therein mentioned, at the expiration of which period, provision was thereby made in default of payment within the time therein specified for the recovery of the amounts mentioned in such list:

A.D. 1871.

And whereas such list has been made out and published in the Government Gazette, in pursuance of the provisions of the said Ordinance:

And whereas it has been alleged that numerous inaccuracies exist in such list, and that many of the sums appearing in such list to be due and chargeable on Real Estate are not in reality so due and chargeable:

And whereas it has been considered advisable to appoint Commissioners, with power to enquire fully into such complaints, and generally as to the correctness of such list, and report thereon to the Governor of this Colony:

And whereas it is desirable that such Commissioners should be empowered to examine witnesses upon oath; that the Governor should have power to act upon the report of such Commissioners; and that provision should be made for the payment of the expenses involved in the execution of such Commission:

Be it therefore enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Governor may appoint any person or persons, by Commission in Her Majesty's name, and under the Public Seal of this Colony, to enquire into the alleged erroneous charges and inaccuracies in the said list so published in the Government Gazette as aforesaid, and generally to enquire into the correctness of such list by revising the same; and such Commissioner or Commissioners shall have the power of summoning before him or them any party or witness, and of requiring such party or witness to give evidence on oath, orally or in writing (or on solemn affirmation, if they be parties entitled to affirm in civil matters), and to produce such documents and things as such Commissioner or Commissioners may deem requisite to the full investigation of the matters into which they are hereby appointed to examine; and such Commissioner or Commissioners shall have the same power to enforce the attendance of witnesses, and to compel them to give evidence, as is vested in any Court of Law in civil cases; and any wilfully false statement made by any witness on oath or solemn affirmation, before such Commissioner or Commissioners as aforesaid, shall be a misdemeanor, punishable in the same manner as wilful and corrupt perjury; but no such party or witness shall be compelled to answer any question, by answering which he might render himself liable to a criminal prosecution.

Empowers Governor to appoint Commission to enquire into arrears of Taxes due on Real Estate.

Power of Commissioners.

A.D. 1871.

—
Governor may take
action on Commis-
sioners' Report.

2. It shall be lawful for the Governor, upon receiving any Report from such Commissioner or Commissioners, to act upon the same, in such manner as he may deem advisable, and to remit any amounts that may appear in such list to be due or chargeable on any real estate mentioned therein, and to give such instructions as he may deem expedient for the purpose of rectifying and completing such list. Provided that if any new charge is placed upon such list the same shall be published in the Government Gazette, as required by "The Tax Sale Repeal Ordinance, 1867."

Empowers Governor
to remunerate Com-
missioners.

3. It shall be lawful for the Governor to issue his warrant to the proper officer of the Treasury, for any sum or sums that he may think fit, as a remuneration for the said Commissioner or Commissioners, and also for such sum or sums as may be requisite to pay for the attendance of witnesses giving evidence before such Commissioner or Commissioners, and also for such further charges and expenses as shall, with the approval of the Governor, be incurred, laid out, and expended in the course of such enquiry as aforesaid.

Interpretation
Clause.

4. The term "Governor" shall mean the Officer for the time being administering the Government of this Colony.

Short Title.

5. This Act shall be read as part of "The Tax Sale Repeal Ordinance, 1867," and may be cited for all purposes as "The Tax Sale Repeal Ordinance, 1867, Amendment Act."

No. 152.

A.D. 1871.

— An Act to encourage the introduction into British Columbia of Thomson's Patent Road Steamers.

[8th March, 1871.]

Preamble.

WHEREAS Josiah Crosby Beedy and Francis Jones Barnard, of Victoria, British Columbia, propose to import and use upon the Public Roads on the Mainland of British Columbia, for the carriage of Goods and Passengers, certain Traction Engines, propelled by steam, and known as "Thomson's Patent Road Steamers:"

And whereas it is expedient for the purpose of encouraging the importation and use of such Steamers, that certain privileges should be granted and secured to the said Josiah Crosby Beedy and Francis Jones Barnard:

Confers privilege on
J. C. Beedy and F.

1. The said Josiah Crosby Beedy and Francis Jones Barnard, their executors, administrators, and assigns, shall henceforth have

the privilege of using Thomson's Patent Road Steamers on the public road on the Mainland of British Columbia, between the Town of Yale and Williams Creek, in British Columbia aforesaid, and commonly known as the Yale-Clinton and Clinton and Camerontown, or the Cariboo Road, subject to any Law hereafter to be made, regulating the use of Locomotives on public roads generally. Provided, that the tires of the wheels of the said Road Steamers shall not be less than twelve inches in width, and the tires of any new waggons, hereafter to be constructed and used therewith, shall not be less than six inches in width.

A.D. 1871.

J. Barnard, to use
Thomson's Patent
Road Steamers.

2. For the period of one year, to be computed from the date of the passage of this Act, the said Josiah Crosby Beedy and Francis Jones Barnard, their executors, administrators, and assigns, shall, upon complying with all the requirements of this Act, have the exclusive privilege of using the said Patent Road Steamers, and suitable carriages and waggons for the said purposes, on the said road; and, during the said period, it shall not be lawful for any other person or persons, company or companies, to use such engines on the said road.

Privilege to be ex-
clusive for one year.

3. In case any damage is done to any portion of the said public road, or to any bridge on the said line of road, by the use of any such Patent Road Steamer, or by any carriages or waggons attached thereto or employed therewith, beyond what, in the opinion of the Chief Commissioner of Lands and Works, or some other officer specially appointed by the Governor in Council for the purpose of inspecting such road, the ordinary traffic upon such road would have occasioned; such damage shall be repaired by the said Josiah Crosby Beedy and Francis Jones Barnard, their executors and administrators, to the satisfaction of the said Chief Commissioner of Lands and Works, or other officer so specially appointed as aforesaid; and the said Josiah Crosby Beedy and Francis Jones Barnard shall, on or before the 1st day of April next, enter into a Bond, with good and sufficient securities, in the amount of ten thousand dollars, to be approved by the Governor in Council, to Her Majesty the Queen, conditioned to perform any such repairs that may be required, in the manner and to the satisfaction of such person as is hereinbefore in that behalf mentioned. Provided, that no greater weight shall be allowed to be carried on the Thompson River Bridge than has heretofore been accustomed, and that an amount, in proportion to the amount of goods carried and to the number of oxen or other animals that would otherwise have been employed in such carriage of goods by the said Josiah Crosby Beedy and Francis Jones Barnard, their executors, administrators, or assigns, be allowed to the proprietors of such bridge, until the expiration of the "Thompson Bridge Toll Act, 1864;" such amount to be fixed, in case of dispute, by the Stipendiary Magistrate of the District.

Damage done to road
to be repaired at cost
of Beedy & Barnard.

Bond of \$10,000 to
be executed by
Beedy and Barnard
for such repairs.

A.D. 1871.

Improvements to roads to be carried out by Beedy and Barnard, under control of Lands and Works Department.

4. Wherever it may be necessary or advisable, in the opinion of the said Josiah Crosby Beedy and Francis Jones Barnard, their executors, administrators, or assigns, to strengthen or support any of the bridges now erected or built on the said line of road, or to make any alterations or improvements to the road, by lessening the grade, removing obstructions, or otherwise, for the purpose of facilitating the working of such Road Steamers, together with the said carriages and waggons, all such work that may be necessary or advisable to be done for the purpose of strengthening or supporting such bridges as aforesaid, and all such alterations and improvements to the road, shall be done, made, and effected by the said Josiah Crosby Beedy and Francis Jones Barnard, their executors, administrators, or assigns. Provided, that all such work, repairs, and improvements shall be done, made, and effected under the supervision and control of the Department of Lands and Works, or any officer specially authorized by such Department in that behalf.

Beedy and Barnard may make reasonable charges for conveyance of goods and passengers for one year.

5. It shall be lawful for the said Josiah Crosby Beedy and Francis Jones Barnard, their executors, administrators, or assigns, for the period of one year from the date of the passage of this Act, to make such reasonable charges, in respect of the conveyance of goods and passengers that may be offered to them for carriage, as the said Josiah Crosby Beedy and Francis Jones Barnard, their executors, administrators, or assigns, may from time to time determine upon.

Beedy and Barnard to have rights and suffer penalties of common carriers.

Certain goods excepted of a dangerous character.

6. The said Josiah Crosby Beedy and Francis Jones Barnard, their executors, administrators, and assigns, shall have all the rights and privileges, and be subject to all the liabilities of common carriers. Provided, always, that no person shall be entitled to require the said Josiah Crosby Beedy and Francis Jones Barnard, their executors, administrators, or assigns, to carry any aquafortis, oil of vitriol, gunpowder, lucifer matches, or any other goods which in the judgment of the said Josiah Crosby Beedy and Francis Jones Barnard, their executors, administrators, or assigns, may be of a dangerous nature; and it shall be lawful for the said Josiah Crosby Beedy and Francis Jones Barnard, their executors, or assigns, to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Material may be imported duty free till July, 1871.

7. All Patent Road Steamers, and all materials for the construction of waggons and carriages to be used therewith, and all tools requisite for the repair of such Patent Road Steamers, carriages, and waggons, that may be introduced into the Colony of British Columbia by the said Josiah Crosby Beedy and Francis Jones Barnard, their executors, administrators, or assigns, from and after the time when this Act shall become law, and up to the

first day of July, A. D. 1871, for the purposes of their business as common carriers, shall be allowed to enter any Port or Ports of British Columbia free from duty. Provided that if any other person or persons shall, during the period for which an exclusive right is hereby granted to the said Josiah Crosby Beedy and Francis Jones Barnard, introduce and use upon the said road, any Road Steamer or Steamers not prohibited by this Act, the person or persons so introducing such Road Steamer or Steamers shall be liable to pay to the said Josiah Crosby Beedy and Francis Jones Barnard, their executors, administrators, or assigns, such a proportion of the expense that may have been or may be incurred by the said Josiah Crosby Beedy and Francis Jones Barnard, their executors, administrators, or assigns, in strengthening bridges and otherwise altering and fitting the said road for the use of their Road Steamers (provided, always, that the said Chief Commissioner shall deem such alterations and improvements necessary for the employment of such other Traction Engines) as the Commissioner of Lands and Works may determine, having regard to the number and weight of steamers employed; and after the said Commissioner shall have determined the amount to be paid by the person or persons aforesaid, the said Josiah Crosby Beedy and Francis Jones Barnard, their executors, administrators, or assigns, may maintain an action for such amount against such person or persons, in any Court of competent jurisdiction in British Columbia.

A.D. 1871.

Other parties using Road Steamers shall be assessed for damage done and for share of expense incurred by Beedy and Barnard in altering roads.

8. In the construction of this Act the words "Thomson's Patent Road Steamers," shall mean Traction Engines propelled by steam, with improved wheels, intended to run on common roads, such improvements consisting in applying to the wheels of such steamers external bands or tires of vulcanized rubber; such external bands or tires of rubber being either in single bands, or in pieces or segments.

Interpretation Clause.

9. This Act may be cited for all purposes as "The British Columbia Patent Road Steamers Act, 1871."

Short Title.

No. 153.

An Act to repeal "The Customs Amendment Ordinance, 1870."

A.D. 1871.

[8th March, 1871.]

WHEREAS it is expedient to repeal "The Customs Amendment Ordinance, 1870:"

Preamble.

Be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:—

A.D. 1871.

Repeals "Customs
Amendment Ordinance,
1870."

1. "The Customs Amendment Ordinance, 1870," shall be and the same is hereby repealed; but such repeal shall not in any way be taken to prevent the collection of the duty leviable upon spirits prior to the passing of that Ordinance, which duty shall, after this Act comes into operation, be collected as if "The Customs Amendment Ordinance, 1870," had never been passed.

Sustaining clause.

2. This Act shall not come into operation until Her Majesty's assent thereto has been proclaimed in the Colony.

Short Title.

3. This Act may be cited for all purposes as the "Customs Repeal Act, 1871."

No. 154.

A.D. 1871.

An Act to amend the "Fire Companies' Aid Ordinance, 1869."

[8th March, 1871.]

Preamble.

WHEREAS it is expedient that further provision should be made for the raising of funds for the support of the Fire Establishments of the City of Victoria, in addition to the provisions contained in the Fire Companies' Aid Ordinance, 1869:"

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Levies a further
rate of \$300 on Fire
Insurance Companies.

1. In addition to the rates levied and collected, or hereafter to be levied and collected, upon and from all Agents of Fire Insurance Companies issuing Policies of Insurance against Fires within the limits of the City of Victoria, upon property situate within such limits, there shall be payable to the Municipal Council thereof by the Agent or Agents of each and every such Fire Insurance Company so carrying on business within the said limits, the annual sum of three hundred dollars; such sum to be payable by four equal quarterly payments, each of seventy-five dollars in each year, on the 31st day of March, the 30th day of June, the 30th day of September, and the 31st day of December, respectively; and the first of such quarterly payments shall be made on the 31st day of March, A. D. 1871, and they shall continue thenceforth to be made on each such quarter day as above mentioned.

Provides for pay-
ment of the same.

2. Every such quarterly payment shall be made when due, as aforesaid, by the Agent or Agents of every such Fire Insurance Company, to the Clerk of the said Council, at the Council Chambers, in the City of Victoria; and such Clerk shall keep an account thereof; and if any such quarterly payment shall be in arrear for a

period of thirty days, the same shall be recoverable by action, to be brought against such Agent or Agents, or the Company which he or they represent, at the election of the said Clerk, as a debt due to him and in his name, in any Court of competent jurisdiction in the Colony; and all moneys raised by virtue of this Act, after deducting the expenses of collection or recovery thereof, shall be applied from time to time, by the said Municipal Council, towards the maintenance of the said Fire Establishments, in such manner and subject to such conditions as the said Council shall in their uncontrolled discretion think most proper.

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3. Nothing herein contained shall be deemed to repeal the "Fire Companies' Aid Ordinance, 1869," or any part thereof; provided that the aggregate of the sums of money to be raised by virtue of the said Ordinance, and of this Act, shall not be limited to the annual sum of three thousand dollars.

Fire Companies' Aid Ordinance not repealed.

4. This Act may be cited for all purposes as the "Fire Companies' Aid Amendment Act, 1871."

Short Title.

No. 155.

An Act to enlarge the time fixed by "The Road Amendment Ordinance, 1870," for the sitting of the Court of Appeal constituted under the said Ordinance, during the present year.

A.D. 1871.

[8th March, 1871.]

WHEREAS it is desirable to enlarge the time fixed by "The Road Amendment Ordinance, 1870," for the sitting of the Court of Appeal constituted under the said Ordinance, during the present year:

Preamble.

Be it therefore enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. The first sitting of the said Court of Appeal, during this present year, shall be held on the first day of April, or the first Monday thereafter, and on any subsequent days such Court may appoint during the month of April.

Extends sitting of Court of Appeal in 1871 to 1st April.

2. This Act may be read and construed together with "The Road Amendment Ordinance, 1870."

This Act to be construed with "Road Amendment Ordinance, 1870."

3. This Act may be cited for all purposes as "The Road Appellate Court Extension Act, 1871."

Short Title.

No. 156.

A.D. 1871.

An Act to amend the Law as to the Qualification of Electors, and of Elective Members for the Legislature, and to provide for the Registration of persons entitled to Vote at Elections of such Members.

[14th March, 1871.]

Preamble.

WHEREAS by a Proclamation bearing date the 13th day of October, 1870, and issued by the Governor of this Colony under and by virtue of the powers and authorities conferred upon him by the "British Columbia Act, 1870," and by the Order of Her Majesty in Council bearing date the 9th day of August, 1870, made in pursuance of the said Act, amongst other things certain provisions were made as to the qualification of Electors and Elective Members :

And whereas it is expedient to amend the law as to the qualification of Electors and of Elective Members of the Legislature, and to provide for the registration of persons entitled to vote at Elections for such Members :

Be it therefore enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows :—

Qualification of Members.

1. No person shall be capable of being elected a Member of the Legislature who shall not be duly registered or entered on the Register of Electors for some Electoral District of the Colony, according to the provisions of this Act, at the time of his election, and who shall not have been resident within this Colony for one year previous to the date of his election; and no person shall be capable of being elected a Member to serve in the Council who shall be a Minister of any religious denomination, whatever may be his title, rank, or designation.

Persons disqualified from voting.

2. No Judge of the Supreme Court or of the County Courts, no Stipendiary Magistrate, no Constable or Police Officer, no Returning Officer, except in cases to be hereafter provided, shall be entitled to vote at any Election of a Member of the Legislature.

Qualification of Electors.

3. Every male of the full age of twenty-one years, not being disqualified by this Act, or by any other Law in force in this Colony, being entitled within this Colony to the privileges of a natural-born British Subject and being able to read English, or if a natural-born British Subject being able to read the language of his Country, having resided in this Colony for six months previous to sending in his claim to vote as hereinafter mentioned, who shall have a

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freehold estate in possession, situate within the Electoral District for which his vote is to be given, of the clear value of two hundred and fifty dollars, above all charges and incumbrances affecting the same; or shall have a leasehold estate in possession, situate as aforesaid, of the annual value of forty dollars above all charges and incumbrances affecting the same; or shall be a householder within such District, occupying any house, warehouse, counting-house, office, shop, or other building or premises of the clear annual value of forty dollars; or shall pay for lodging the sum of forty dollars annually, or for board and lodging the sum of two hundred dollars annually, within such District as aforesaid; or who shall hold a duly recorded pre-emption claim to not less than one hundred acres within such District as aforesaid; or a free mining licence upon which a claim has been duly recorded within such District as aforesaid shall, being duly registered under the provisions of this Act, be entitled to vote at the election of a Member or Members of the Legislative Council. Provided, that no person shall be entitled to be registered unless he shall have been seised, or possessed of, or occupied, used, held or enjoyed the qualification, in respect of which he shall claim to be registered, for the period of three calendar months, at least, previous to sending in his claim to vote as hereinafter mentioned. Provided, also, that no person shall be entitled to be registered as aforesaid, who shall have been convicted of any treason, felony, or other infamous offence, unless he shall have received a free or conditional pardon for such offence, or have undergone the sentence passed upon him for such offence. Provided, also, that no person shall be entitled to be registered as aforesaid, in respect of such estate or occupation, unless at the time of such registration he shall have paid up all rates and taxes, other than Municipal, which shall have become payable by him as owner or leaseholder in respect of such estate, or as occupier in respect of such occupation, except such as shall have become payable during three calendar months next before registration, except such as are due or alleged to be due at the time of the passing of this Act. Provided, also, that no natural-born British Subject who has renounced his allegiance, or sworn allegiance to any Foreign State, or become the citizen of any Foreign State, shall be entitled to be registered under the provisions of this Act, until he shall have taken the oath of allegiance to Her Majesty, before some Judge of the Supreme or County Courts, Magistrate, or Justice of the Peace in this Colony, which oath such Judge, Magistrate, or Justice of the Peace, is hereby authorized to administer in the following words:—

“I, *A. B.*, do swear that I will be faithful and bear true allegi-
 “ance to Her Majesty Queen Victoria, Her Heirs and Suc-
 “cessors, according to Law. So help me God.”

Oath of Allegiance.

And such oath shall be in writing, and shall be signed by the person taking the same, and by the Judge, Magistrate, or Justice

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of the Peace before whom the same is taken, and shall be delivered to the person taking the same.

But every person authorized by Law to make a solemn affirmation or declaration, instead of taking an oath, may make such affirmation or declaration in lieu of the said oath; provided, that such affirmation or declaration is also in writing, and signed in the same manner as is above required when an oath is taken, and shall be in like manner delivered to the party; and the production of such oath, affirmation, or declaration shall be prima facie evidence that the person producing it, and purporting to have signed it, has duly taken or made the same.

No public tax, &c.,
a charge or incum-
brance.

4. No public tax, rate, or charge, shall be deemed to be any charge or incumbrance on lands within the meaning of this Act.

Joint interests.

5. Where any freehold estate or any lands and tenements are jointly owned, held, or occupied by more than one person, each of such joint owners, holders, or occupiers shall be entitled to be registered as an elector and to vote at the election of Members to serve in the Council. Provided the value of his individual share or interest in the said freehold estate or lands and tenements would, under the provisions of this Act, entitle such owner, holder, or occupier to be registered as such elector and to vote as aforesaid.

Trustees and mort-
gagees not to vote.

6. No person shall be allowed to have any vote in the election of a Member of the Council for or by reason of any trust estate or mortgage, unless such trustee or mortgagee be in actual possession or receipt of the rents or profits of the same; but the mortgagor or cestuique trust in possession shall and may vote for the same estate, notwithstanding such mortgage or trust.

Governor may fix
Polling places, or
make Polling Divi-
sions;

7. It shall be lawful for the Governor in Council, from time to time, to fix a polling place or polling places in each Electoral District, or if in the opinion of the Governor in Council it is advisable to divide any Electoral District into any number of Polling Divisions, and assign to each such Polling Division a polling place, in such manner as to enable each Voter, so far as practicable, to have a polling place within a convenient distance of his residence; and such polling places and the boundaries of such Polling Divisions shall be proclaimed in the Government Gazette; and every such Polling Division to alter and vary, as in his discretion he may think fit; and also from time to time to appoint such and so many persons as may be necessary to collect, compile, and make out Lists of the Electors of such District or Polling Divisions respectively, and such persons so appointed shall for the purposes of this Act be deemed and considered Collectors of the District or any Polling Division in or for which they are respectively appointed to act; and also from time to time to appoint such and so many persons as may be necessary to be Registrars under this Act for each Electoral District; and also for such Governor

and appoint Collec-
tors to make out
Lists of Voters in
each Polling Divi-
sion;

and appoint Regis-
trars.

in Council to remove any person appointed under the provisions of this section, and to appoint another in his place. Provided that until the boundaries of such Polling Divisions are published, each person claiming to vote as hereinafter mentioned shall send in his claim to the Collector appointed for the nearest polling place in the same Electoral District, as the residence of the claimant, or in case such claimant claims in respect of property, the property in respect of which he claims to be registered as a Voter is situate; and for the purpose of this Act, and until the boundaries of the Polling Divisions are fixed and published as aforesaid, the country round nearest to each respective polling place, if more than one in the District, shall be considered as separate Polling Divisions of the Electoral District in which such polling place is situate.

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Proviso as to Polling places and Polling Divisions.

8. When any real property, although wholly within the same Electoral District, nevertheless lies partly within the limits of one of the Polling Divisions of the District and partly within the limits of another of the said Polling Divisions, the person entitled to vote as the owner, holder, or occupier of such property, shall send in his claim to the Collector appointed for the nearest polling place, and shall vote at the polling place where his claim is registered.

If real property not wholly within limits of one Polling Division, owner to send in claim to Collector appointed for nearest Polling place.

9. In case any alteration is made at any time under the powers hereinbefore contained in the Polling Divisions once constituted of any Electoral District, the Registrar of the District shall amend any copies of registers, lists, claims, or objections submitted to him in such manner as to make the same conformable to the alterations so to be made as aforesaid.

On alteration of Polling Division, Registrar to amend copies of Registers, &c.

10. The Registrar for every Electoral District shall, in the year 1871, obtain a sufficient number of printed forms of precepts, notices, and lists, according to the respective Forms in the Schedule A. to this Act annexed, and of the Table of Fees numbered 1 in the Schedule B. to this Act annexed; and shall also, on or before the 1st May, in the year 1871, make and cause to be delivered to the Collector of his District (or to each of the Collectors of the several Polling Divisions in his District, as the case may be) a precept according to the Form numbered 1 in the said Schedule A., together with a sufficient number of the said printed notices and lists, and of the said table of fees, for the purposes hereinafter mentioned.

Registrar to deliver Collector precept, forms, &c., before 1st May, 1871.

11. Every such Collector shall, on or before the 10th day of May, in the year 1871, publish a notice according to the form for the year 1871, numbered 2 in the said Schedule A., having first signed the same, requiring all persons entitled to vote in the election of a Member of the Legislative Council, in respect of any property situate within such Electoral District or within any Polling Division of such District (if such District has been so divided as aforesaid), or in respect of any other qualification, to give or send to the

Collector to publish on or before 10th May, 1871, a notice calling on persons entitled to vote, to send notice of their claim to him;

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Possession of qualification previous to claim not required in 1871.

said Collector, on or before the 10th day of June then next ensuing, a notice in writing, by them signed, of their claim to vote as aforesaid; and every such person shall, on or before the 10th day of June in the said year, deliver or send to the said Collector a notice signed by him of his claim, according to the form of notice set forth in that behalf in the Form numbered 3 in the said Schedule A., or to the like effect. Provided that it shall not be necessary for any person who shall claim to be registered during the year 1871 as a Voter, to be in possession of the qualification in respect of which he shall so claim three months previous to the time of sending in such claim to be registered.

Collector to make out on or before 20th June, 1871, list of persons who have claimed to be registered as Voters;

and shall add the word "objected" against the name of any person he thinks not entitled to be on the list;

and shall publish the said list.

12. Every Collector shall, on or before the 20th day of June in the year 1871, make out, according to the Form numbered 5 in the said Schedule A., an alphabetical list of all persons who on or before the 10th day of June then next preceding, shall have claimed as aforesaid; and in every such list the christian name and surname of every claimant, with the place of his abode, the nature of his qualification, and the local or other description of the property, and the name of the occupying tenant thereof (if any), and the same shall be written as stated in the claim, or such other particulars as may be stated on the claim, and the said Collector if he shall have reasonable cause to believe that any person whose name shall appear in such List of Claimants, is not entitled to have his name upon the register then next to be made, shall add the word "objected" before the name of every such person on the margin of such List of Claimants; and the Collector shall cause a sufficient number of such List of Claimants, with all such marginal additions as aforesaid, to be written or printed as aforesaid, and shall after having submitted the same or a copy of the same (if possible) to the Registrar of the District for his approval, on or before the 1st day of July, 1871, sign and publish the same; and the said Collector shall likewise keep a copy of such List of Claimants with the marginal additions as aforesaid signed by him, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon, and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after the same shall have been published, and shall deliver written or printed copies thereof, signed by him, to all persons applying for the same on payment of a price for each copy after the rate contained in the said Table of Fees numbered 1 in the Schedule B. to this Act annexed.

List of claimants to be deemed List of Voters for 1871.

13. The List of Claimants so to be made out by the Collector of every District, or in case the District is divided as aforesaid, of every Polling Division shall, together with the marginal additions aforesaid, during the year 1871, be deemed to be the List of Voters of such District or Division for the purposes hereinafter mentioned.

14. The Registrar of every District shall, in every year after the year 1871, obtain a sufficient number of printed forms of precepts, notices, and lists according to the respective Forms in the Schedule A. to this Act annexed, and of the Table of Fees numbered 1 in the Schedule B. to this Act annexed; and shall also, on or before the 1st day of May in every year after the year 1871, make and cause to be delivered to the Collector of his District or any Division of his District, a precept according to the Form numbered 1 in the said Schedule A., together with a sufficient number of the said printed notices and lists, and of the copies of the Register of Voters then in force for such Electoral District, or if any Polling Division or Divisions of such District have been made, then of such part of such Register of Voters as shall relate to such Polling Division or Divisions respectively, and of the said Table of Fees, for the purposes hereinafter mentioned.

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Registrar to deliver to Collectors forms of precepts, notices, lists, on or before 1st May in every year after 1871.

15. Every Collector shall after the year 1871, on or before the 10th day of May in each year, publish the Register or part of the Register so transmitted to him as aforesaid, and also a notice according to the Form numbered 2 in the said Schedule A., having first signed the same, requiring all persons entitled to vote in the election of a Member of the Legislative Council, in respect of any property situate wholly or in part within such Electoral District or Division, who shall not be upon the Register of Voters then in force, and also all persons so entitled as aforesaid, who being upon such Register shall not retain the same qualification, or continue in the same place of abode as described in such Register, or have been inserted on such Register in respect of payment for lodging, or for board and lodging, or in respect of Free Miners' Certificates, and who are desirous to have their names inserted in the Register about to be made, to give or send to the said Collector, on or before the 10th day of June then next ensuing, a notice in writing, by them signed, of their claim to vote as aforesaid, and every such person and any person, who being upon such Register, shall be upon such Register in respect of payment for lodging, or for board and lodging, or in respect of a Free Miners' Certificate, or may be desirous to make a new claim shall, on or before the 10th day of June, deliver or send to the Collector a notice signed by him of his claim, according to the form of notice set forth in that behalf in the Form numbered 3 in the said Schedule A., or to the like effect.

Collector to publish Register, &c., on or before 10th May in every year after 1871.

Persons required to send in claims to Collector on or before 10th June.

16. Every Collector shall, on or before the 20th day of June in every year after the year 1871, make out, according to the Form numbered 5 in the said Schedule A., an alphabetical list of all persons who, on or before the 10th day of June then next preceding, shall have claimed as aforesaid, and in every such list the christian name and surname of every claimant, with the place of his abode, the nature of his qualification, and the local or other description of the property, and the name of the occupying tenant thereof (if any)

Collector to make out list on or before 20th June in every year after 1871;

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and shall add the word "objected" against the name of any person he thinks not entitled to be on the list; and the word "dead" against the name of any person he believes to be dead.

shall be written as the same are stated in the claim, and the said Collector if he shall have reasonable cause to believe that any person whose name shall appear in such List of Claimants or in the copy of the Register relating to his District or Division and received by him from the Registrar, is not entitled to have his name upon the Register then next to be made, shall add the word "objected" before the name of every such person, on the margin of such List of Claimants, or the said copy of the Register; and the Collector shall add the word "dead" before the name of any person in the Register whom he shall have reasonable cause to believe to be dead; and the Collector shall cause a sufficient number of copies of such List of Claimants, and the said copy of the Register with the marginal additions respectively as aforesaid, to be written or printed, and shall, on or before the 1st day of July in every year after the year 1871, and after having (if possible) submitted the same, or a copy of the same, to the Registrar of the District for his approval, sign and publish the same; and the said Collector shall likewise keep a copy of such List of Claimants, and the said copy of the Register with the marginal additions respectively as aforesaid signed by him, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock of the forenoon and four of the clock in the afternoon of any day except Sunday, during the first fourteen days after the same shall have been published, and shall deliver written or printed copies thereof, signed by him, to all persons applying for the same, on payment of a price for each copy after the rate contained in the Table of Fees numbered 1 in the Schedule B. to this Act annexed.

List of Claimants, and copy of Register after 1871, to be the List of Voters.

17. The List of Claimants (if any) so to be made out by the Collectors of every District, or Polling Division of a District, together with the said copy of the Register with the marginal additions respectively as aforesaid, for the time being, relating to the same District or Division shall, after the year 1871, be deemed to be the List of Voters of such District or Division, for the purposes hereinafter mentioned.

Declaration to accompany claim to vote;

False statement a misdemeanor.

18. All persons giving or sending to the Collector a claim to vote under this Act, shall give or send therewith a declaration according to the Form numbered 4 in the said Schedule A. to this Act annexed, or to the like effect; and any person making such declaration, knowing any statement contained therein to be false, shall be deemed guilty of a misdemeanor, and shall, upon conviction before a Court of competent jurisdiction, be liable to such fine or imprisonment, or both, or either, as such Court may direct.

Forms to be furnished by Collector;

19. The Collector of every District, or Polling Division of a District, shall furnish, to all parties requiring them, the Forms numbered 3, 4, 6, and 7, in the said Schedule A., hereunto annexed, for the prices respectively fixed in the Table of Fees, numbered 1,

in the said Schedule B.; and shall, if required, fill up such Forms in accordance with the instructions furnished to him for filling up the same, for which he shall be paid the sums fixed in the said Table of Fees; and he may also be required to serve any notices of objections by any party requiring the same to be served, on payment of the amount prescribed in the said Table of Fees. Provided, that nothing in this Act contained shall prevent the Collector from serving such notices by deputy.

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Collectors to serve notices of objection, if required;

Collector may serve notice by deputy.

20. Any person whose name shall have been inserted in any List of Voters for any District, or Polling Division of a District, or who shall claim to have his name inserted in such list, may object to any other person as not having been entitled, on the 10th day of June then next preceding, to have his name retained or inserted in any List of Voters for the same District; and any person so objecting shall, on or before the 15th day of July in every year, give, or cause to be given, a notice, according to the Form numbered 6, in the said Schedule A., or to the like effect, to the Collector of the District or Polling Division to which the List of Voters containing the name of the person so objected to may relate; and every person so objecting shall also give, or cause to be left at the place of abode of the person so objected to, as stated in the said list, a notice, according to the Form numbered 7, in the said Schedule A.; and every notice of objection shall be signed by the person objecting, or by some one duly authorized by him in his behalf.

Any Elector may object to any name on the list of his District or Polling Division.

Form 6.

Form 7.

21. The said Collector shall include the names of all persons against whom notice of objection shall have been given to him as aforesaid in that year, in a list according to the Form numbered 8, in the said Schedule A., and shall sign such list, and shall cause copies thereof to be written or printed, and shall, after submitting the same, if possible, to the Registrar for his approval, publish such list on or before the 25th day of July in each year; and shall keep copies of the said list, and also the notices of objection which he shall have received, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, until the expiration of fourteen days (Sundays excepted); and shall deliver a copy of such lists to any person requiring the same, on payment of a price for each copy after the rate contained in the Table of Fees, numbered 1, in the Schedule B., to this Act annexed.

Collector to include names of persons objected to as in Form No. 8 of Schedule A., and publish the same.

22. Every Collector shall, on or before the 23rd day of July in each year, deliver to the Registrar of the District a copy of the List of Voters so made out by him as aforesaid, and a copy of the List of persons objected to as aforesaid.

Collector to deliver copy of List of Voters, and a copy of List of persons objected to, to Registrar.

23. Every, notice, list, register, or other document herein required to be published, shall be so published, except some other mode or place of publication is hereby expressly provided, by being fixed

How lists, &c., to be published.

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in some public or conspicuous situation, on the outside door or outer wall near the door of the following buildings, that is to say, every Court House, Police Office, or other place where any Justice or Justices of the Peace usually sit or hold Court; and in Districts and Divisions where no Court is held, then in some conspicuous situation within the District in which the same is required to be published, and in such other places as the Registrar of the District may direct.

Duration of publication.

24. In all cases in which any notice, list, register, or other document shall, pursuant to the provisions aforesaid, be affixed on or near the door of any building, or in some public and conspicuous situation, or in some place directed by the Registrar as aforesaid the same shall continue so fixed for a period of seven consecutive days at the least, and in case the same shall be destroyed, mutilated, effaced, defaced, or removed before the expiration of such period, the Collector or other party required by this Act to publish the same as aforesaid shall, as soon as conveniently may be after he shall have become aware thereof, publish in like manner in its place another notice, list, register, or other document to the like purport and effect as the notice, list, register, or document so destroyed, mutilated, effaced, defaced, or removed.

Penalty for defacing lists, &c.

25. Every person who shall wilfully destroy, mutilate, efface, deface, or remove any notice, list, register, or other document so affixed as aforesaid, during the period for which the same is hereinbefore required to remain so affixed, shall for every such offence forfeit any sum not exceeding twenty-five dollars to any person who will sue for the same, to be recovered in a summary manner before any two Justices of the Peace, or any Stipendiary Magistrate.

List not to be invalidated by reason of non-publication in every place required.

26. No list shall be invalidated by reason that it shall not have been affixed in every place, and for the full time hereinbefore required for publication thereof, but the Registrar shall proceed to revise and adjudicate upon every such list which shall have been affixed in any place hereinbefore mentioned in that behalf; but nothing hereinbefore contained shall be construed to exempt the Collector or other person charged with the duty of publishing such list from the penalties of his neglect or wilful default.

Revision of Lists to be made by Registrars.

27. The Registrar of each Electoral District, for the time being, shall revise the Lists of Voters for the District for which he is so appointed Registrar as aforesaid. Provided, that nothing herein contained shall be taken to prevent the Governor in Council from appointing one Registrar for more than one District. Provided, also, that it shall be lawful for the Registrar, in case of his inability from illness or other cause to attend to the Revision of the Lists of Voters for his District, or any portion of such lists, to appoint some fit and proper person, subject to the approval of the Governor in

Council, as his Deputy in his place and stead, to revise the Lists of Voters for his District, or so much of the said lists as the Registrar himself is unable to revise.

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28. The Registrar shall make a circuit and hold open Courts for revision at each of the places which now are or may hereafter be appointed polling places for such District or Division, and at any other places within the said District or Division which he shall think expedient, at convenient times, between the 10th day of August and the last day of September, inclusive, in the then current year, and shall, ten days at the least before the holding of the first Court of Revision, give notice, so far as is practicable, to the Collector or Collectors of the Polling Division of the several times and places at which the said Courts will be holden, and of the lists which will be revised at each of the said Courts; and the said Registrar shall forthwith cause public notice thereof to be given, by advertisement in one or more of the newspapers circulating within the said Electoral District, if so directed by the Governor in Council; and shall cause a sufficient number of copies of the said notice to be written or printed, and shall deliver or send copies to the Collector of the District, or Collectors of the Polling Divisions, requiring him or them to publish such copy of notice in the manner hereinbefore mentioned, and to attend at the Court therein appointed for the revision of the List of Voters relating to their said District or Polling Division, and the said Collectors shall forthwith publish the said copy of the said notice accordingly.

Registrar to hold
Court of Revision.

29. The Registrar shall, at such Court or Courts, produce the Lists of Voters for the then current year, with the marginal additions as aforesaid, and lists of persons objected to in the said year, relating to his District, or any Division thereof; and, also, after the year 1871, one or more printed or written copies of the Register of Voters then in force for such District or Division; and the Collector for such District or Division shall attend the Court to be holden for revising the lists relating to his District or Division, and shall deliver to the Registrar holding such Court the original notices of claim, and notices of objection, given to him as aforesaid, and the said Collector shall (if required) answer upon oath all such questions as such Registrar may put to him, and produce all documents, papers, and writings in his possession, custody, or power, touching any matter herein mentioned.

Proceedings of Re-
gistrar at Revision
Court.

30. If any person who shall have given to the Collector of any District, or Division of a District, due notice of his claim to have his name inserted in the List of Voters, shall have been omitted by such Collector from such list, it shall be lawful for the Registrar, upon the revision of such list, to insert therein the name of the person so omitted, in case it shall be proved to the satisfaction of such Registrar that such person gave due notice of such his claim

Registrar may insert
names in list in cer-
tain cases.

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to the said Collector, and that he was entitled, on the 10th day of June then next preceding, to be inserted in the said List of Voters.

In 1871, persons on List of Voters may be required to show he is in possession of qualification at the time the Revision Court is held.

31. During the year 1871, any person whose name may appear on the List of Voters may be required, by any other such person, or by the Registrar, to prove that he is in possession of the qualification for which he has claimed to be registered, at the time of the holding of the Revision Court.

Electors may oppose such insertion.

32. It shall be lawful for any person whose name shall be on the List of Voters for any District or Division, to oppose the claim of any person so omitted as aforesaid to have his name inserted in any List of Voters for the same District or Division, and such person intending to oppose any such claim shall, in the Court to be holden as aforesaid for the revision of such list, before the hearing of the said claim, give notice in writing to the Registrar of his intention to oppose the said claim, and shall thereupon be admitted to oppose the same, by evidence or otherwise, without any previous or other notice, and shall have the same rights, powers, and liabilities as to costs and other matters relating to the hearing and determination of the said claim as any person who shall have duly objected to the name of any other person being retained on any List of Voters, and who shall appear and prove the requisite notices as hereinafter mentioned.

Registrar may require any person to attend and prove his qualification.

33. It shall be lawful for the Registrar to require any person whose name shall be in any List of Voters, in any year, in the District for which he has been so appointed Registrar, or in any Polling Division thereof, to appear before the Revision Court and prove his qualification; or to give any information to the said Registrar that he may require for the purpose of enabling him to judge whether such name ought, or ought not, to be retained on such Register or List of Voters; but notice shall be given to the party, if possible, by the Collector, three days before such party shall be required to appear at such Court of Revision.

If he does not attend, his name may be struck out.

34. If such person does not appear, and the Registrar shall be satisfied that he has been duly served with notice, and has had reasonable time to attend, or if the Registrar is satisfied that such person cannot be found, it shall be lawful for the Registrar sitting in the Revision Court to strike such name out of the List of Voters.

Personal appearance of Elector not necessary to substantiate qualifications, except required.

35. No person whose name shall be on any List of Voters shall be obliged to appear in person to make proof of the nature and sufficiency of his qualification, unless required by the Registrar so to do, and if such personal attendance shall be rendered requisite on the application of any person objecting to any such name being retained or inserted in any list, such objector may, if his objection be not sustained, be ordered to pay to the person so required to attend, such sum as the Revision Court may award.

36. Whenever it shall be proved before the Registrar that any person who is or claims to be placed on the List or Register of Voters for any Electoral District or Polling Division, has been convicted of bribery or undue influence at any Election, or that judgment has been obtained against any such person for any penal sum made recoverable by any Law for the time being in force in the Colony, in respect of the offences of bribery, treating, or undue influence, or either of them, then and in that case such Registrar shall, in case the name of such person is in the List of Voters, expunge the same therefrom; or shall, in case such person is claiming to have his name inserted therein, disallow such claim; and the names of all persons whose names shall be so expunged from the List of Voters, and whose claims shall be so disallowed, shall be thereupon inserted in a separate list, to be entitled "The List of persons disqualified for bribery, treating, or undue influence," which last mentioned list shall be appended to the List or Register of Voters, and shall be printed and published therewith wherever the same shall be or is required to be printed or published.

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Claimant convicted of bribery, &c., shall be expunged from list.

List of such persons expunged to be made.

37. The Registrar, sitting in the Revision Court, shall correct any mistake which shall be proved to have been made in any list, and shall expunge the name of every person whose qualification as stated in any list shall be insufficient in law to entitle such person to vote, and also the name of every person who shall be proved to him to be dead, and wherever the christian name, or place of abode, or the nature of the qualification, or the local or other description of the property of any person who shall be included in any such list, and the name of the occupying tenant thereof (if any) shall be wholly omitted in any case where the same is by this Act directed to be specified therein; or, if any person whose name is included in such list, or his place of abode, or the nature or description of his qualification shall, in the judgment of the Registrar sitting in such Revision Court, be insufficiently described for the purpose of being identified, such Registrar shall expunge the name of every such person from such list, unless the matter or matters so omitted or insufficiently described be supplied to the satisfaction of such Registrar before he shall have completed the revision of such list, in which case he shall then and there insert the same in such list.

Registrar to correct mistakes in list.

38. Provided, always, that whether any person shall be objected to or not, no evidence shall be given of any other qualification than that which is described in the List of Voters, or claim (as the case may be), nor shall the Registrar be at liberty to change the description of the qualification as it appears in the list, except for the purpose of more clearly or accurately defining the same; and where the name of any person inserted in any List of Voters shall have been objected to by the Collector or by any other person, and such other person so objecting shall appear by himself or by some one on his behalf in support of such objection, and shall prove that

Provisions as to evidence before Registrar.

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Names of persons not having qualification, or incapacitated, to be expunged.

he gave the notice or notices respectively required by this Act to be given by him, every such Registrar shall then require it to be proved that the person so objected to was entitled on the 10th day of June, then next preceeding, to have his name inserted in the List of Voters in respect of the qualification described in such list; and in case the same shall not be proved to the satisfaction of such Registrar, or in case it shall be proved that such person was then incapacitated, by any Law in force in this Colony, from voting in the election of Members to serve in the Legislative Council, such Registrar shall expunge the name of every such person from the said lists.

Names of persons objected to in cases of change of abode without giving fresh notice of claim may be retained in certain cases.

No person's name to be expunged without notice being given to him, if possible.

Power to adjourn Courts;

Power to administer oath;

False oath, perjury.

No appeal.

39. Provided, always, that where any person whose name appears on any List of Voters for any District, or Division of a District, shall be objected to on the ground of having changed his place of abode, without having sent in a fresh notice of claim, it shall be lawful for the Registrar, on revising the list, to retain the name of such person on the List of Voters; provided, that such person, or some one on his behalf, shall prove that he possessed, on the 10th day of June, the same qualification in respect of which his name is inserted in such list, and shall also supply his true place of abode, which the said Registrar shall insert in such list. Provided, also, that no person's name shall be expunged by such Registrar from any list, except in case of death, or conviction of any felony, unless notice as herein required in such case shall have been given, or the word "objected" shall have been added to his name by the Collector, as aforesaid, or he shall have been required by such Registrar, if possible, to attend and prove his qualification, or to give such information as aforesaid.

40. Every Registrar holding any Court under this Act shall have power to adjourn the same from time to time, and from any one place to any other place within the same District or Division, but so that no such adjourned Court shall be holden after the last day of October in any year; and at every Court to be holden as aforesaid shall have power to administer an oath to all persons examined before him, and all persons, whether claiming, or objecting, or objected to, and all persons whatsoever may be examined upon oath touching the matters in question; and every person taking any oath or affirmation under this Act who shall wilfully swear or affirm falsely shall be deemed guilty of perjury; and every such Registrar shall, upon the hearing in open Court, finally determine upon the validity of such claims and objections; and such Registrar shall in open Court write his initials against the names respectively expunged or inserted, and against any part of the said lists in which any mistake shall have been corrected, or any omission supplied, or any insertion made by him, and shall sign his name to every page of the several lists so settled, and there shall be no appeal from the decision of such Court to any Superior Court of Law.

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41. If in any case it shall appear to any Registrar holding any Revision Court as aforesaid, that any person shall, under this Act, have made or attempted to sustain any groundless, frivolous, or vexatious claim or objection, or title, to have any name inserted or retained in any List of Voters, it shall be lawful for the said Registrar, in his discretion, to make such order as he shall think fit for the payment by such person of the costs, or of any part of the costs, of any person in resisting such claim, or objection, or title; and in every such case the said Registrar shall make an order in writing, specifying the sum which he shall order to be paid for such costs, and by and to whom and where the same shall be paid, and shall date and sign the said order, and deliver it to the person or persons to whom the said sum shall therein be ordered to be paid; provided that the said sum so ordered to be paid shall not in any case exceed the sum of ten dollars. Provided, also, that whenever any Registrar shall have made any such order for the payment of any sum of money for costs by any person who shall have made any objection as aforesaid, it shall not be lawful for the said Registrar to hear or admit proof of any other objection or notice of objection made or signed by the same person, until the sum of money so ordered to be paid by him for costs be paid to the person so entitled to receive the same, or deposited in the hands of the said Registrar in Court for the use of the person so entitled.

Costs may be awarded where any frivolous or vexatious objection shall have been made.

42. The Registrar shall keep the said lists safely in his custody, and shall forthwith cause the same to be copied and printed in a book or books, or to be written in a book or books (and if the District is divided, arranged with the names in each Polling Division of his District) in strict alphabetical order according to the surnames, and shall in the said book prefix to every name its proper number, beginning the numbers from the first name and continuing them down in a regular series to the last name; and every such book shall be arranged in such manner and form that the Lists of Voters of and for each and every Polling Division of a District may be conveniently and completely detached from all the other Lists of Voters contained in the same book, so that all the lists for every or any Polling District may be ready for the purposes of this Act, or for sale; and the said Registrar shall sign the said book or books, and deliver the same on or before the 14th day of September, in the then current year, to the Returning Officer of the District, to be by him and his successors in office safely kept for the purposes hereinafter mentioned.

Registrar to keep lists and copy the same in books in alphabetical order;

To be signed by Registrar and delivered to Returning Officer on 14th September.

43. The said book or books so signed as aforesaid by the Registrar, and given into the custody of the Returning Officer of any District, shall be the Register of persons entitled to vote at any election of a Member to serve in the Legislative Council, which shall take place in and for the same District, between the 14th day of September in

Books so signed shall be the Register of persons entitled to vote.

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the year wherein such Register shall have been made, and the 14th day of September in the succeeding year.

Registrar to furnish certified copy of the same to any person.

44. The Registrar of every Electoral District shall furnish a certified copy of such Register to any person applying for the same, upon payment of a price after the rate contained in the Table numbered 2, in the Schedule B. to this Act annexed.

If no list made out in 1871, time may be extended;

45. In case no List of Voters shall have been made out for any District or Polling Division by the Collector thereof, by the day herein appointed for such purpose in the year 1871, it shall be lawful for the Governor in Council, at any time before the first Election shall be holden for such District under the provisions of this Act, to extend the time hereby appointed for the purpose aforesaid, and whenever any such extension shall be made the various times hereby appointed for the completion of the List of Voters, prior to the revision thereof and for such revision, shall also be extended in the like proportion as nearly as may be; and if after the year 1871 no List of Voters shall have been made out for any District or Division in any year, or in case such list shall not have been published as hereinbefore mentioned in that behalf, the Register of Voters for such District or Division then in force shall be taken to be the List of Voters for such District or Division for the year then next ensuing, and the provisions in this Act contained respecting any such List of Voters shall be taken to apply to such Register as aforesaid; and in case no list shall be revised before the last day of September in any year, after the year 1871, then such Register then in force shall be the Register for such District or Division for the twelve months then next ensuing.

If no list made out or published in any year after 1871, the Register then in force shall be the List for the year then next ensuing.

Penalty for refusing to attend on summons.

46. Any person who shall wilfully refuse or neglect, when duly required by summons, under the hand of the Registrar, to attend before such Registrar at any Court to be holden as aforesaid, according to the exigency of such summons, shall upon proof before such Registrar sitting in the Revision Court of the service of such summons, be liable to pay by way of fine for every such offence, a sum not exceeding twenty-five dollars, to be imposed by and at the discretion of the said Registrar holding any such Court as aforesaid.

Penalty on breach of duty of Collector.

47. Any Collector of any District or Division who shall wilfully refuse or neglect to make out any list, or who shall wilfully neglect to insert therein the name of any person who has given due notice of claim; or, who in making out the List of Voters for any District or Division, shall wilfully and without any reasonable cause omit the name of any person duly qualified to be inserted in such list; or, who shall wilfully and without reasonable cause insert in any such list the name of any person not duly qualified; or, who shall wilfully refuse or neglect to publish any notice, or list, or copy of the Register of Voters or part of the Register of Voters relating to

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his Division, at the time and in the manner required by this Act; or, who shall wilfully refuse or neglect to deliver to the Registrar the copy of the Lists of Claimants, and of persons objected to, and of the copies of the Register as required by this Act; or, who shall wilfully refuse or neglect to attend the Court for revising the Lists of Voters of his District or Division; or, who shall wilfully refuse or neglect to deliver to the Registrar, holding any such Court, the several lists to be made out by him as aforesaid; or who shall be wilfully guilty of any breach of duty in the execution of this Act, shall for every such offence be liable to pay, by way of a fine, a sum of money not exceeding twenty-five dollars, to be imposed by and at the discretion of any Registrar holding any Court for the revision of any list of the District or Division of a District of such Collector. Provided, always, that nothing herein contained as to any fine as aforesaid, shall affect or abridge any right of action against any Collector or other person which he may incur under or by virtue of this Act, or any Law for the time being in force in this Colony.

48. Every Registrar when and so often as he shall impose any such fine as aforesaid, shall at the same time in open Court, by an order in writing under his hand stating the sum payable for such fine, direct that the same shall be paid to the Collector of the District (or of the Division as the case may be) or to any other person mentioned in such order, and such Collector or other person shall receive the same.

Registrar to state in any order made by him to whom fines to be paid.

49. The Collector shall keep an account of all moneys to be received by him for the sale of notices, declarations, copies of Register, or for or by way of fine imposed, or otherwise, under this Act, and shall pay over or account for all such moneys received by him to the Registrar of his District; and the said Registrar shall pay over all such moneys, and all such moneys which he may himself receive under the provisions of this Act, to the Treasury of this Colony, or to such person and in such manner as the Governor in Council may direct.

Collector to keep an account of all moneys received and pay moneys to Registrar, who shall pay same to the Treasury.

50. The Governor in Council may, from time to time, fix such remuneration to be paid to the Registrars and Collectors appointed under this Act, as may be found necessary or desirable for the purpose.

Governor to fix remuneration to be paid to Registrars and Collectors.

51. In case any sum of money by the order of any Registrar directed to be paid by any person, by way of fine or costs, shall not be paid according to the terms of such order, it shall be lawful for any Justice of the Peace, and he is hereby required upon proof before him that a true copy of the said order hath been served upon or left at the usual place of abode of the person in the said order directed to pay such sum, and that the said sum hath been demanded of such person, and that he hath refused or neglected to pay the same, by Warrant under his hand and seal to order the said

Fines and costs how recovered.

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No certiorari.

Register of Voters in force at the time of any Election to be final and conclusive.

Official Maps to be evidence of boundaries of Districts.

When Act to come into operation.

Act to be taken to apply to "The Constitution Act, 1871."

sum of money, together with the costs of and attending the said Warrant, to be levied by distress and sale of the goods and chattels of such person so making default, which may be found within the jurisdiction of such Justice; and the overplus, if any, after the said sum of money and costs, and the charges of such distress and sale are deducted, shall be returned, upon demand, to the owner of the said goods and chattels. Provided, always, that no certiorari or other writ or process for the removal of any such order or warrant, or any proceeding thereon into the Supreme Court, shall be allowed or granted.

52. The Register of Voters in force at the time of any Election shall be final and conclusive, to all intents and purposes, as to the right of the persons whose names are inserted therein to vote at such Election, whether such persons shall at the time of such Election have ceased to have the qualification for which he was registered or not; and in case of any proceedings being taken before any tribunal upon any petition whatever complaining of an undue Election, or return of any Member or Members at such Election, no inquiry shall be allowed as to the right to vote of any person whose name shall not be upon the Register in force at the time of such Election.

53. Maps descriptive of the boundaries of the Electoral Districts, and of any Divisions thereof, made by order of the Governor in Council in pursuance of this Act, approved of by the Governor in Council, and authenticated by the signature of the Surveyor General, shall be received as evidence of the boundaries of such Electoral Districts, and of the Divisions thereof; and such Maps shall be issued to and used by the Collectors, Registrars, Revision Courts, and Returning Officers, in discharge of their duties.

54. This Act shall come into operation upon its being passed, but shall not be taken to apply to the qualification or election of any Member of the Legislature until the Register of Voters is completed and delivered to the Returning Officer as is hereinbefore provided; and until such Register of Voters is so completed and delivered as aforesaid, the qualification of Members and Voters shall be the same as if this Act had never been passed.

55. This Act shall be taken to apply to "The Constitution Act, 1871," passed in the present Session, if, and when the same comes into operation in this Colony, as fully and effectually to all intents and purposes, as if "The Constitution Act, 1871," had been actually in operation upon the passing of this Act, and as if this Act had related to the qualification of Electors and of Members for the Legislative Assembly thereby constituted, and to the Registration of persons entitled to vote at the election of such Members of the Legislative Assembly, so far as the provisions contained in this

Act are not absolutely repugnant to the provisions of "The Constitution Act, 1871."

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56. Whenever any matter or thing shall be directed by this Act to be performed on a certain day, and that day shall happen to be Sunday, such matter or thing shall be performed on the next following day.

Any matter required to be done on Sunday may be performed on Monday.

57. This Act may be cited as "The Qualification and Registration of Voters' Act, 1871."

Short Title.

SCHEDULE A.

No. 1.

Precept of the Registrar to the Collectors.

Electoral District of
TO WIT.

}

To the Collector of the Electoral District of
Division of the Electoral District of

[or of the Polling
].

In pursuance of the provisions of "The Qualification and Registration of Voters' Act, 1871," I require your attention to the following

Instructions.

On or before the 10th day of May, you are to publish* a notice signed by you according to the Form marked No. 2, among the printed forms herewith sent.

The manner in which you are required to publish that † notice is as follows, (that is to say) : you are to fix one of the printed copies (each copy being first signed by you) on or near the outside of the outer door, or outer wall near the door, of the following buildings, that is to say : every Court House, Police Office, or other place where any Justice or Justices of the Peace usually sit or hold Court, or if there should be no such place, then in some public or conspicuous situation in this District [or in your Polling Division of this District, as the case may be] or in [Registrar may direct any other place in addition], and it must remain there during a period of seven consecutive days.

On or before the 20th day of June, you are to make out an Alphabetical List of all persons who, on or before the 10th day of June, shall have delivered or sent you their claim as Voters for this District [or for your Polling Division of this District] in respect of any property situate within this District [or wholly or in part within your Polling Division], or in respect of any other

* The following alterations shall be made in the precept after the year 1871. Insert the words "one of the copies of the register of for this District [or of your Division of this District] herewith sent and"

† After the year 1871 insert the words "register and"

A.D. 1871.

qualification. In making out such list you are to write, or cause to be written, in the proper column of the printed form of list (herewith sent) numbered 5, the christian name and surname of every such person, with the place of his abode, the nature of his qualification, and the local or other description of the property, and the name of the occupying tenant thereof (if any) as the same shall be stated in the claim, or such other particulars as may be stated in the claim. If you have reasonable cause to believe that any person so claiming † is not entitled to have his name on the § register about to be made, you are to add the word "objected" before his name in the margin of the copy of the || list in which his name appears. ¶ Having done this you are to sign the List of Claimants ** [*Where it is practicable the Registrar shall insert these words "and submit the same to me for my approval"*], and to cause a sufficient number of copies of such lists, with your marginal additions, to be written or printed; and then, on or before the 1st day of July, you are to publish the said †† list on every Court House, &c., in your District [*or Polling Division*] in the same manner as before mentioned with regard to the notice.

You are to keep a copy of the List of Claimants †† with your marginal additions thereon signed by you, and allow them to be perused by every person desirous of perusing them, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after you have published them, without payment or demand of any fee; and you are also to deliver copies of the List of Claimants §§ signed by you, to every person applying for the same, on payment of a price for such copy after the rate contained in the Table of Fees numbered 1 in the Schedule B. herewith sent.

You are to make a list according to the Form 8 (herewith sent) containing the names of every person against whom a notice of objection shall have been given to you, on or before the 15th day of July. [*Where it is practicable the Registrar shall insert these words "and submit the same to me for my approval."*] And you are to publish copies of such lists, on or before the 25th day of July, on every Court House, &c., in the same manner as before mentioned with regard to the notice; and you are to keep a copy of such list of persons objected to, to be perused by any person, without payment or fee, at any time between the hours of ten of the clock in the forenoon and four of the clock of the afternoon of any day, except Sunday, until the expiration of fourteen days after the 25th day of July; and you are to deliver a copy of such list to any person requiring the same, on payment of a price for each copy after the rate contained in the Table of Fees numbered 1 in the Schedule B. herewith sent.

And if you shall find any notice, list, ||| or other document published by you as aforesaid, to be destroyed, mutilated, defaced, effaced, or removed, you are forthwith to place another to the same effect in its place.

† Insert the following words "or any person whose name shall appear in the copy of the register for this District [*or your Division of this District*] herewith sent,"

‡ Insert the word "new"

|| Insert the words "register or" in the year 1871 omit these words.

¶ Insert the word "dead" before the name of any person whom you shall have reasonable cause to believe to be dead.

** Insert the words "and also the copy of the register herewith sent"

†† Insert the words "register and"

‡‡ Insert the words "and of the said register sent to you"

§§ Insert the words "and of the said register"

||| Insert the word "register"

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On or before the 23rd July, you are to deliver to me the List of Claimants* * and also a copy of the list of persons objected to, signed by you.

You are to give notice to all persons whom I require to come before me and prove their qualifications as stated in the said list; and you are to attend the Court to be holden by me for the purpose of revising the lists relating to this District [*or to your Polling Division of this District*]; and you are there to deliver to me the original notices of claim, and original notices of objection, given to you as aforesaid; and you are also required to be prepared with proof of service of any notice required by me to be given as aforesaid.

You are to furnish to all parties requiring them, the Forms numbered 3, 4, and 6, (herewith sent) to any person requiring them, on payment of a price for each Form after the rate contained in the Table of Fees numbered 1, in the Schedule B., herewith sent.

And, if required, you are to fill up such Forms in accordance with the instructions furnished to you for filling up the same, on payment after the rate contained in the Table of Fees numbered 1, in the Schedule B., herewith sent.

And you are also to serve any notices of objection, if required by any party so to do, on being paid for the same after the rate contained in the Table of Fees numbered 1, in the Schedule B., herewith sent.

Herein, if you fail, you will be liable to the penalties in that case provided.

Given under my hand, this day of 18 .

(Signed) C. D.,
Registrar, Electoral District of

* * Insert the words " the copy of the register [*or part of the register*] herewith sent "

No. 2.

Form of Notice to be given by the Collector.

Electoral District of
or Polling Division of the Electro-
ral District of }

I [hereby give notice, that all persons entitled to vote in the Election of a Member or Members of this Electoral District of [*or for this Polling Division of the Electoral District of* , as the case may be] in respect of freehold or leasehold property, or in respect of any other qualification conferring the right to vote in this Electoral District [*or Polling Division*] * who are desirous to have their names inserted in such Register of Voters about to be made for this Electoral District [*or for this Polling Division*] are hereby required to give or send to me, on or before the day of in this year, a notice in writing, by them signed, in which their name and surname at full length, their place of abode, and the particulars of their quali-

* These words to be inserted after the year 1871 :—" who are not upon the Register of Voters now in force, or being upon the Register, shall claim in respect of being a lodger, or as paying for board and lodging, or in respect of a Free Miner's Certificate, or shall not retain the same qualification, or continue in the same place of abode as described in such Register, and "

A.D. 1871.

fication, must be legibly written, according to the Form of Notice of Claim herewith, or to the like effect.

Persons claiming, are also required to annex a declaration thereto, according to the Form of Declaration herewith. Any person making such declaration, knowing any statement contained therein to be false, will be guilty of a misdemeanor, and will be liable to be prosecuted accordingly.

Persons † omitting to give or send such Notice and Declaration will not be included in the List of Voters about to be made out by me.

† These words to be inserted after the year 1871 :—“ already on the Register of Voters, who have changed their residence, or whose qualification has been altered since the last registration, are required to send in their claims; and all persons who are on the Register of Voters in respect of claims as lodgers for payment of board and lodging, and holders of Free Miner's Certificates, are required to send in fresh claims, and all such persons ”

No. 3.

Form of Notice of Claim to be given to the Collector.

To the Collector of the Electoral District of [or Polling Division
of the Electoral District of]

I hereby give you notice, that I claim to have my name inserted in the List of Voters for the Electoral District of [or Polling Division
of the Electoral District of] in virtue of the freehold [or leasehold]
property which I possess at [or as the case may be] in virtue of
my occupation of a house at , or of my being a lodger in the house
of [insert name, description, and residence of landlord or other person to
whom rent is paid] situate at [insert description of house in which lodgings
situate, with number (if any) and name of street, if in a Town], and having
paid for such lodgings not less than Forty Dollars; or of my having paid for
board and lodging to [insert name, description, and residence of person to whom
this amount paid], in respect of my residence at [insert description of house in
which party resides and boards, with number (if any) and name of street, if in
a Town], not less than the sum of Two Hundred Dollars per annum; or of my
having a Pre-emption Claim to [describe place fully, and number of acres,
Section, and Range] duly recorded at [state where recorded, and number and
date of Record]; or of my having taken out a Free Miner's Certificate this year,
upon which a Claim to [describe place to which claim is made] has been duly
recorded at [with date and number of Record].

Dated at this day of in the year 18

(Signed) C. D.

[Claimant to state his christian name and surname at full length, and add his residence, and his profession, trade, or calling].

No. 4.

A.D. 1871.

Form of Declaration to be annexed to Notice of Claim.

I do most sincerely and solemnly declare that I am possessed of the qualification above set forth, to the best of my knowledge and belief, [* and that I have been possessed of the same for the space of Three Months previous to this date]; that I am a British Subject by birth, having been born at [if not a British Subject by birth, state when, how, and where claimant became entitled to the privileges of a British Subject]; that I have never renounced my allegiance, nor taken the oath of allegiance to any Foreign State [if such has been the case, but claimant has since taken the oath of allegiance to Her Majesty, state the fact, and when, and where, and before whom such last mentioned oath was taken]; that I am of the full age of twenty-one years; that I can read English [or if a natural born British Subject, that I can read]; and that I am not disqualified to vote, to the best of my belief, by any Law in force in this Colony.

Witness _____

(Signed) _____

* These words may be omitted in the year 1871.

No. 5.

Form of List of Persons Claiming to Vote.

Electoral District of
or Polling Division of the
Electoral District of
TO WIT,

LIST OF PERSONS CLAIMING OR SUPPOSED TO BE ENTITLED TO VOTE IN THE ELECTION
OF A MEMBER OF THE DISTRICT OR POLLING DIVISION.

Margin for entering Collector's objec- tions.	Christian name and surname of the Claimant at full length.	Residence of Claimant, with full description of House, if in a town, with number (if any) and name of street.	Profession, trade, or calling.	Nature, of qualification	<p>If claim be made in respect of freehold or leasehold property, or of occupation, state street, lane, or other place in this District [or Division], name of property, and occupying tenant (if any), and as full a description of the property as can be given;</p> <p>If by a lodger, state residence of landlord or person to whom rent paid, and description and number of house (if any), and name of street, if in a town;</p> <p>If in respect of board and lodging, state name, description, and residence of person to whom amount for board paid, with number (if any) and name of street, if in a town, and sum paid per annum;</p> <p>If in respect of a pre-emption claim, state place fully, and number of acres, where recorded, and number of record, date, &c.;</p> <p>If in respect of a mining certificate, state name of claim, number of certificate, where recorded, and date.</p>

A.D. 1871.

No. 6.

Form of Notice of Objection, to the Collector.

To the Collector of

I hereby give you notice that I object to the name of *W. S.*, of [*describe person objected to as he is described in the List of Voters*] being retained on the List of Voters for the Electoral District of _____ [*or the Polling Division of the Electoral District of* _____], on the following grounds [*here specify the grounds of objections.*]

(Signed) *C. D.*

[*Objector to state here his qualification, his profession, trade, or calling, and residence.*]

N. B.—A notice of objections must be sent to the person objected to, as well as to the Collector.

No. 7.

Form of Notice of Objection, to be given to parties objected to by any other Person, other than the Collector or Registrar.

To *W. S.* [*name of person objected to, describe him as he is described in the List of Voters.*]

I hereby give you notice, that I object to your name being retained on the List of Voters for the Electoral District of _____, or the Polling Division of the Electoral District of _____, on the following grounds: [*here specify the grounds of objections.*]

(Signed) *C. D.*

Objector to state here his qualification, his profession, trade, or calling, and residence.

No. 8.

A.D. 1871.

Form of List of Persons Objected to.

LIST OF PERSONS OBJECTED TO, TO BE PUBLISHED BY THE REGISTRARS.

The following Persons have been objected to as not being entitled to have their names retained in the List of Electors, for the District of

Christian name and surname of the Claimant at full length.	Residence of Claimant, with full description of House, if in a town with number (if any) and name of street.	Profession, trade, or calling.	Nature of qualification	If claim be made in respect of freehold or leasehold property, or of occupation, state street, lane, or other place in this District (or Division), name of property, and occupying tenant (if any), and as full a description of the property as can be given; If by a lodger, state residence of landlord or person to whom rent paid, and description and number of house (if any), and name of street, if in a town; If in respect of board and lodging, state name, description, and residence of person to whom amount for board paid, with number (if any), and name of street, if in a town, and sum paid per annum; If in respect of a pre-emption claim, state place fully, and number of acres, where recorded, and number of record, date, &c.; If in respect of a mining certificate, state name of claim, number of certificate, where recorded, and date.

SCHEDULE B.

TABLE No. 1.

Fees to be received by Collector.

For Form No. 3, Schedule A.....	cents. 25
For filling up same, if required.....	25
For Form No. 4, Schedule A.....	25
For filling up same, if required.....	12½
For Form No. 6, Schedule A.....	12½
For filling up same, if required.....	12½
For Form No. 7, Schedule A.....	12½
For filling up same, if required.....	12½
For any List, or copy of a List, containing any number of Persons' names, for each folio of 100 words, or fractional part thereof.....	25
For serving Notice of Objections, the same amount as is allowed for service of Summons in the County Court.	

TABLE No. 2.

Fees to be received by Registrar.

For every printed copy of any Register, or any part of any Register, containing any number of Persons' names, not exceeding 1,000 names	\$1 00
Exceeding 1,000 names.....	2 00
For every written copy of any Register, or any part of any Register, containing any number of Persons' names, for each folio of 100 words	25

No. 157.

A.D. 1871. An Act to regulate Elections of Members of the Legislature of this Colony.

[22nd March, 1871.]

Preamble.

WHEREAS by a Proclamation, bearing date the 13th day of October, 1870, and issued by the Governor of this Colony, under and by virtue of the powers and authorities conferred upon him by the "British Columbia Act, 1870," and by the Order of Her Majesty in Council, bearing date the 9th day of August, 1870, made in pursuance of the said Act, certain provisions (amongst other things) were made as to the Regulation of Elections of Members of the Legislative Council:

And whereas it is desirable to amend the Law as established by the said Proclamation, by making other and further provisions as to the Regulation of the Elections of Members of the Legislature:

Be it therefore enacted by the Governor and Council, with the advice and consent of the Legislative Council, as follows:—

Governor in Council
to appoint a Return-
ing Officer for each
Electoral District.

1. It shall be lawful for the Governor in Council, from time to time, to appoint a fit and proper person to be the Returning Officer of each Electoral District, and to cause such appointment to be notified in the Government Gazette; and from time to time, in his discretion, to revoke any such appointment and remove any person so appointed, and to appoint another Returning Officer in the stead of the person so removed, or whose appointment is so revoked. Provided that nothing in this Act, or in any other Law in force in this Colony, shall be construed to exclude any Returning Officer from being elected a Member for any District, except that for which he shall at such Election act as Returning Officer, provided he be not under any other disqualification. Provided, also, that nothing in this Act, or in any other Law in force in this Colony contained, shall prevent the Governor in Council from appointing the Registrar of Voters for the District to be the Returning Officer of such District.

2. None of the persons hereinafter designated in this Section shall in any case be appointed to act as Returning Officer, or as Deputy Returning Officer, or as Election Clerk, or as Poll Clerk, that is to say, neither—

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Persons disqualified
as Returning Offi-
cers, &c.

The Members of the Executive Council :

Nor the Members of the Legislature :

Nor any Minister of any Religious Denomination, whatever may be his rank, title, or designation :

Nor the Judges of the Supreme Court.

3. If any one of the persons mentioned in the preceding section acts as Returning Officer, or as Deputy Returning Officer, or as Election Clerk, or as Poll Clerk, he shall thereby incur a penalty of one hundred dollars.

Penalty on parties
disqualified acting
as such.

4. None of the persons hereinafter mentioned in this section shall be obliged to act as Returning Officer or Deputy Returning Officer, or as Election Clerk or Poll Clerk, that is to say—

Persons exempted.

Physicians and Surgeons :

Postmasters :

Or, persons being 60 years of age and upwards.

5. Every person appointed to act as Returning Officer who resides in the District for which he has been appointed, or who has accepted the appointment of Returning Officer for any District, who refuses to perform the duty of Returning Officer in such District at any such Election as aforesaid, after having received the Writ of Election, shall for such refusal incur a penalty of one hundred dollars, such person not being disqualified as aforesaid, and not being incapacitated by sickness or by being a Candidate at such Election, or if, having a right to claim the exemption granted by the next preceding section, has not in fact claimed such exemption immediately after such appointment has been conferred upon him.

Penalty for refusing
to serve.

6. Whenever a Writ of Election is issued for the Election of a Member to serve in the Legislature of this Colony, the same shall be addressed and directed to the Returning Officer for the Electoral District so appointed as aforesaid, and in every such writ shall be mentioned the day on which such writ shall be returnable.

Writs of Election to
be addressed to Re-
turning Officers, and
Return day to be
mentioned therein.

7. The Writs of Election shall be in the following form :—

Form of Writ of
Election.

“VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, and of the Colonies and Dependencies thereof, in Europe, Asia, Africa, America, and Australasia, Queen Defender of the Faith.

“*To the Returning Officer of the Electoral District of*

“Whereas [*here mention briefly the occasion requiring the Election.*] We therefore command you, firmly enjoining that having first made proclamation in the said Electoral

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District of _____ immediately after the receipt of this Our Writ, and thereby notified (giving not less than eight days' notice thereof) a day and place for electing a Member to serve for the said Electoral District of _____, you cause on the said day and place a Member of the Legislative Council, the most fit and discreet, to be freely and indifferently chosen to represent the said Electoral District of _____ in Our Legislative Council, by those present at the day of Election, to be fixed by such Proclamation as aforesaid, and the name of such Member so chosen you cause to be returned by your certificate, annexed to this Our Writ, and cause the person so chosen as aforesaid to come to the said Legislative Council, so that the said Member may have full and sufficient power for himself and the commonalty of the said Electoral District of _____, severally from them to do and consent to those things which then and there, by the favor of God, shall happen to be ordained by the Common Council of Our said Colony upon the said affairs, so that for default of such powers, or through improvident Election of such Member, the said affairs remain not undone in any way, and that you certify, on or before the _____ day of _____, unto us in to Our Supreme Court, at the City of Victoria, the Election so made, distinctly and openly, under your seal, duly endorsed upon this Our Writ.

"In testimony whereof We have caused these Our Letters to be made Patent under the Great Seal of Our said Colony of British Columbia. Witness _____ at Our Government House, at Victoria, the _____ day of _____, in the year of Our Lord one thousand eight hundred and _____

"By Command.

"A. B.,

"Registrar of the Supreme Court."

Governor in Council may appoint places for nomination, and additional polling places at contested Elections.

8. It shall be lawful for the Governor in Council, from time to time, to appoint by proclamation the place for the nomination of Candidates in each Electoral District, and to appoint any additional polling places within any Electoral District, or within any Polling Division of any Electoral District, for the purpose of taking the poll at any contested Election.

Returning Officer to endorse on Writ date of receipt.

9. Each Returning Officer shall on receiving the Writ of Election forthwith endorse thereon the date of his so receiving it, in the following terms:—

Form of endorsement;

"Received the within Writ on the _____ day of _____ 18 _____.

"A. B.,

"Returning Officer."

And immediately after his so receiving such Writ as aforesaid, he shall, by a Proclamation under his hand, state the place, day, and hour at which he will proceed to hold the Election.

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And shall by Proclamation state place, day, and hour of Election.

Form of Proclamation.

10. The Proclamation shall be in the following form:—

“BRITISH COLUMBIA.

“PROCLAMATION.

“*Electoral District of*

“TO WIT.

“Public notice is hereby given to the Electors of the District of _____ that, in obedience to Her Majesty’s Writ to me directed, and bearing date the _____ day of _____, in the year of Our Lord one thousand eight hundred and _____, I require the presence of the said Electors at [*this must be the place fixed by the Governor in Council for the nomination of Candidates*], on the _____ day of _____ at _____ o’clock in the _____ noon, for the purpose of electing a person [*or persons, as the case may be*] to represent them in the Legislature of this Colony; and that in case a poll be demanded and allowed in the manner by law prescribed, such poll will be opened on the _____ day of _____, at [*here mention the different places at which a poll is to be opened and kept*], of all which every person is hereby required to take notice and govern himself accordingly.

“Given under my hand at _____ the _____ day of _____ 18 .

“(Signature) A. B.,

“Returning Officer.”

11. The Returning Officer shall cause the said Proclamation to be posted up on the outside of the outer door of the principal Court House in his District, and in such other public place or places in his District, and in every Polling Division of his District as may be used for the purpose of publishing notices under the provisions of “The Qualification and Registration of Voters’ Act, 1871,” at least eight days before the day which by such Proclamation he has fixed for holding the said Election, which day so fixed shall be called the “Nomination Day.”

Returning Officer to publish Proclamation at least eight days before the nomination day.

12. In and by the Proclamation aforesaid, the Returning Officer shall also fix the day on which, in case a poll be demanded and granted as hereinafter provided, such poll shall be opened in conformity to this Act, in his Electoral District, or in each Polling Division of his District (as the case may be), for taking and recording the votes of the Electors according to Law.

Returning Officer in Proclamation to fix polling day.

13. If, in any case, it happens that there is no place at which, under the provisions of this Act, the poll ought to be held, then the Returning Officer shall himself appoint the place or places in his District, or in each Polling Division of his District, selecting

Returning Officer may appoint polling place in certain cases.

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such as he deems most central and convenient for the majority of the Electors.

How the eight days to be reckoned.

14. Neither the day of nomination, nor that of the publishing of such Proclamation, shall be included within the said eight days.

Penalty on Returning Officer refusing or neglecting to publish Proclamation.

15. Any Returning Officer refusing or neglecting to cause such Proclamation to be published as herein required shall, for such neglect or refusal, incur a penalty of one hundred dollars; but no Election shall be invalidated by reason that it shall not have been affixed in every place, and for the full time hereinbefore required for the publication thereof.

Election not to be invalidated by imperfect publication.

Returning Officer to make declaration.

16. Each Returning Officer shall, before the nomination day, make the following declaration, in the presence of at least two of the Electors of the District, who shall attach their signatures to such declaration as witnesses, and shall annex the same to his Return to the Writ of Election:—

Form.

“I, the undersigned Returning Officer for the Electoral District of _____, do solemnly declare that I will act faithfully in the capacity of Returning Officer, without partiality, fear, favour, or affection.

“Dated, this _____ day of _____ 18 .

“(Signature) A. B.,

“Witnesses:

“Returning Officer.”

Penalty on omission.

And any Returning Officer who omits or neglects to make and subscribe the said declaration, or to annex it to his Return, shall for such omission or default incur a penalty of fifty dollars.

Returning Officer to appoint an Election Clerk.

17. Each Returning Officer shall, before the nomination day, appoint, by a Commission under his hand, a fit person to be his Election Clerk, and to assist him in the performance of his duties as Returning Officer; and such Commission may be in the following form:—

Form of Commission.

“To E. F. [*set forth his name, profession, trade or calling, and residence.*]

“Know you, that in my capacity of Returning Officer for the Electoral District of _____, I have appointed and do hereby appoint you to be Election Clerk, to act in that capacity, according to Law, at the approaching Election for this District.

“Given under my hand, at _____, this _____ day of the month of _____, in the year _____.

“(Signature) A. B.,

“Returning Officer.”

Election Clerk to take an oath of office.

18. Such Election Clerk shall take and subscribe, either before some Justice of the Peace for the District in which he resides, or before the said Returning Officer, the following oath; and the

Justice of the Peace, or Returning Officer, before whom such oath is taken, shall subscribe his name thereto, in the following form:—

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“I, the undersigned *E. F.*, appointed Election Clerk for the Form.
Electoral District of _____, do solemnly swear (or if he
be one of the persons permitted by Law to affirm, do solemnly
affirm) that I will act faithfully in my said capacity as Elec-
tion Clerk, and also in that of Returning Officer, if required
to act as such, according to Law, without partiality, fear,
favour, or affection. So help me God.

“(Signature) *E. F.*,
“Election Clerk.”

“Sworn before me, this }
day of 18 . }

“*G. H.*, J. P.,
“or Returning Officer.”

19. Any person so appointed as Election Clerk who refuses to accept the said office, or, who having accepted such office, refuses or neglects to take and subscribe the said oath hereby above required of him, shall for such refusal or neglect incur a penalty of twenty-five dollars.

Penalty on persons
refusing to perform
the duty, or take
oath.

20. The Returning Officer may, either before or after the nomination day, appoint, in the manner above mentioned, another person as his Election Clerk, whensoever the case requires, either by reason of the death, illness, or absence of any Election Clerk previously appointed, or of his refusal or neglect to act, or otherwise; and such new Election Clerk, so appointed, shall perform all the duties and comply with all the obligations of his office, under the same penalty, in case of refusal or neglect on his part, as is hereinbefore imposed in like cases.

Another Election
Clerk may be ap-
pointed in certain
cases.

21. Whenever any Returning Officer becomes unable to perform the duties of his office, whether by death, illness, absence, or otherwise, the Election Clerk so by him appointed as aforesaid shall, under the same penalties; in case of refusal or neglect on his part, as are hereinbefore imposed in like cases on the Returning Officer, act as and shall be Returning Officer for the said Election, and shall perform all the duties and obligations of that office, in like manner as if he had been duly appointed Returning Officer, and without being required to possess any other qualification, or to take any new oath for that purpose; and in any such case the Election Clerk shall annex to his Return to the Writ of Election the said oath so taken by him as aforesaid as Election Clerk.

Duty of Election
Clerk in case the
Returning Officer is
unable to perform
the duties of his
office.

Oath to be annexed
to Return in such
cases.

22. Every Returning Officer shall at the time and place stated by him in the Proclamation hereinbefore mentioned, proceed to the hustings (which shall be held in the open air, at such place as that all the Electors may have free access thereto), and shall there make or cause to be made, in the presence of the Electors there

Proceedings of Re-
turning Officer on
nomination day.

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assembled at the hustings, the following Proclamation; and shall then and there read or cause to be read publicly the Writ of Election; and shall then require the Electors there present to name the person or persons whom they wish to choose at the said Election to represent them in the said Legislative Council, in obedience to the said Writ of Election:—

Form of Proclamation.

“Oyez! Oyez! Oyez!

“All persons are commanded and strictly enjoined to keep silence while Her Majesty’s Writ for the present Election is publicly read.”

If no poll be demanded.

23. If the Candidates, or their respective agents, and the Electors then and there present, upon a show of hands, agree in the choice to be so made of the person or persons to represent the said Electors as aforesaid; and if, after such show of hands, a poll be not demanded in the manner hereinafter mentioned, the Returning Officer shall forthwith close the Election, and shall then and there openly proclaim the person or persons so chosen to be duly elected a Member or Members, to represent in the Legislature the Electoral District for which such Election is had.

Any Elector, Candidate, or Agent may demand a poll.

24. Any Elector present, or any Candidate, either in person or by his agent may demand a poll.

If a poll be demanded.

25. If a poll be demanded then the Returning Officer shall grant such poll for taking and recording the Votes of the Electors in the manner hereinafter prescribed; and when at any such Election a poll is demanded as aforesaid, if the Returning Officer refuses or neglects to grant the same, the Election shall be ipso facto null, and such Returning Officer shall for such refusal or neglect incur a penalty of five hundred dollars.

Penalty for not granting.

Agent authorized in writing may act for Candidate.

26. Any person authorized in writing may act as agent of a Candidate during the continuance of the Election.

Provision as to Agent of absent Candidate.

27. At any Election as aforesaid, in the absence of any person authorized in writing to act as agent for any absent Candidate, any Elector in the interest of such Candidate may, at any time during the Election, declare himself to be and may act as the agent of any such Candidate, without producing any special authority in writing for that purpose.

No paid Agent, Attorney, Counsel, &c. of any Candidate to vote at the Election.

28. Any person who at any time, either during the Election, or before the Election, is employed at such Election, or in reference thereto, or for the purpose of forwarding the same by any Candidate, or by any person whomsoever, as Counsel, Agent, Attorney, or Clerk at any polling place at such Election, or in any other capacity whatever, and who has received or expects to receive, either before, during, or after the said Election, from any Candidate, or from any person whomsoever, for acting in any such capacity as aforesaid, any sum of money, fee, office, place, or em-

ployment, or any promise, pledge, or security whatsoever, for any sum of money, fee, office, place, or employment, shall be incompetent to vote at such Election, and his vote, if given, shall be null and void; and such person shall further incur, for having so voted, a penalty of fifty dollars.

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Penalty for so doing

29. Any Candidate before he shall be capable of being elected, shall, if required by any other Candidate, or by any Elector, or by the Returning Officer, make the following Declaration:—

Candidate to make declaration, if required.

“I, A. B., do hereby most solemnly and sincerely declare that I am duly registered on the Register of Voters for the Electoral District of _____ for this year, and that I have resided in this Colony for the space of Twelve Months, and that I am not, to the best of my belief, in any way disqualified for Election.

Form.

“Dated this _____ day of _____ 18 .

“A. B.

“Taken and acknowledged before me }
this _____ day of _____ 18 . }

“C. D., J. P.

“or Returning Officer.”

30. If any such person shall knowingly and wilfully make a false declaration he shall be deemed to be guilty of a misdemeanor, and being thereof lawfully convicted, shall suffer the like pains and penalties as by Law are incurred by persons guilty of wilful and corrupt perjury, in the place in which such false declaration shall have been made.

False declaration a misdemeanor.

31. Any person may, with a view to his becoming a Candidate at any Election of a Member of the Legislature make at any time, after the date of the Writ of Election, voluntarily and without waiting to be required so to do, the declaration lastly hereinbefore mentioned; and any such declaration so made voluntarily as afore-said, shall to all intents and purposes have the same force and effect as if it had been made after his being thereunto required according to Law.

Declaration may be voluntarily made.

32. No such declaration, when any Candidate is required to make the same by any other Candidate, or by any Elector, or by the Returning Officer, in the manner hereinbefore provided, need be so made by such Candidate, unless the same has been personally required of him on or before the day of nomination of Candidates at such Election, and before a poll has been granted, and unless he has not already made the same voluntarily as hereinbefore provided, and not in any other case; and when any such declaration has been so required according to Law, the Candidate called upon to make the same, may do so at any time during such Election; provided it be made before the Proclamation to be made by the Returning Officer at the close of the Election of the person or persons elected at such Election.

In what cases only a Candidate may be called upon to make declaration.

At what time it may be made, if required.

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Before whom it may
be made, and how
attested.

33. When such declaration is so made by any Candidate, whether voluntarily or in consequence of his being thereunto so required as aforesaid, it shall be made either before the Returning Officer or before some Justice of the Peace, and such Returning Officer or Justice of the Peace shall take the same, and shall attest it by writing at the foot thereof the words "Taken and acknowledged before me," or other words to the like effect, and by dating and signing such attestation.

Returning Officer to
certify the delivery
to him of the decla-
ration under a pen-
alty of \$200.

34. Any Candidate who delivers or causes to be delivered such declaration so made and attested to the Returning Officer, at any time before the proclamation made by him at the closing of the Election as hereinbefore mentioned, shall be deemed to have complied with the law to all intents and purposes as regards such declaration; and any Returning Officer thereunto so required, shall be bound under a penalty of two hundred dollars, in case of refusal to give forthwith after such declaration is delivered to him, to the Candidate or other person who has delivered the same, an acknowledgment under his hand of the delivery of such declaration; and every such declaration shall, for all the purposes of such Election, be deemed to have been made on the day on which it has been so delivered to the Returning Officer, either by the Candidate or by any person on his behalf, whatever be the date of its receipt or of its attestation; and the possession of such declaration shall be prima facie evidence of the possessor having been authorized by the Candidate to deliver it to the Returning Officer.

What shall be deem-
ed the date of any
such declaration,
and who may deliver
it to the Returning
Officer.

Day of opening the
poll to be proclaim-
ed from the hust-
ings.

35. When at any Election for any Electoral District, a poll has been granted, the Returning Officer, immediately after having granted such poll, and before adjourning his proceedings, shall publicly proclaim from the hustings the day previously stated in his first proclamation, and the place or places at which the poll shall be so opened in his District, or in each Polling Division of his District (as the case may be) for the purpose of then and there taking and recording the votes of the Electors according to law.

Poll not to be held
on certain days.
To be same day for
each division of a
District.

36. The day to be proclaimed by the Returning Officer for opening the poll, shall not be a Sunday, Good Friday, or Christmas Day. Such day shall be the same for each division of a District, and the poll shall be opened and held in all places in such District on that day only.

At what polling
place each Elector
shall vote.

37. At each Election, the Electors shall vote at the polling place so opened and kept in the Polling Division (if any) within the limits whereof the property shall lie upon which they shall respectively claim the right of voting at such Election, and where they have been registered, and not at any other polling place; and if any Elector votes at any other polling place, he shall thereby incur a penalty of twenty-five dollars, and his vote, if given, shall be null and void.

38. No person shall vote in more than one polling place in any District, though he shall be possessed of distinct qualifications in several Polling Divisions of such District; and if any Elector shall vote at more than one polling place in any one Electoral District, he shall thereby incur a penalty of fifty dollars, and all the votes given by him shall be null and void.

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No person to vote in more than one polling place.

Penalty.]

39. The poll shall be held, if demanded, if possible, within fourteen days after the nomination day; at every poll, the voting shall commence at eight o'clock in the forenoon, and shall finally close at four o'clock in the afternoon of the same day, unless adjourned, as hereinafter provided, by reason of riot or other interruption; and every Elector may vote for any number of Candidates not exceeding the number of Members then to be chosen.

Poll to be held, if possible, within 14 days after nomination day, between 8 a.m. and 4 p.m.

40. The Returning Officer shall cause rooms to be hired (if necessary) at every polling place within his District, in accordance with the instructions (if any) received by him from the Governor in Council.

Returning Officer may hire rooms.

41. Such rooms may be divided into compartments, and if so divided, there shall be affixed over the entrance of each compartment certain letters (the entire letters of the alphabet being divided according to the number of compartments of the polling place), and no Elector shall be permitted to poll in any compartment, unless his surname shall commence with one of the letters which shall be so fixed over the entrance of such compartment.

If divided into compartments, such compartments to be alphabetically arranged.

42. The Returning Officer shall preside at the principal polling place in his District where the nomination of Candidates has been held (or at the nearest polling place thereto), and the Election Clerk shall act as Poll Clerk (or one of the Poll Clerks) at such principal polling place, and the polling book shall be made up as is hereinafter mentioned.

Returning Officer to preside at principal polling place.

43. For the purpose of taking the votes at any such Election, the Returning Officer shall, by a Commission under his hand, appoint a Deputy Returning Officer for each Polling Division of a District, or for each separate polling place where such Returning Officer is himself personally unable to attend; and such Commission may be in the following form:—

Returning Officer to appoint a Deputy.

“To *G. H.* [*insert his title and address.*]

Form of Commission.

“Know you that in my capacity of Returning Officer for the Electoral District of _____, I have appointed and do hereby appoint you to be Deputy Returning Officer [*or one of the Deputy Returning Officers as the fact is*] for the Electoral District of _____, [*or for the Polling Division of the District of* _____] to take and record the

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votes of the Electors at _____, in the said District [or
in the said Polling Division.]

"Given under my hand this _____ day of _____ 18 .

"(Signature) A. B.,
"Returning Officer."

Deputy Returning
Officer to make
declaration.

44. Each Deputy Returning Officer shall, before acting as such, subscribe the following Declaration, in the presence of not less than two Electors of the District, who shall attach their signatures to such Declaration as witnesses:—

Form.

"I, the undersigned G. H., appointed Deputy Returning Officer for the District of _____, do solemnly declare that I will act faithfully in my said capacity of Deputy Returning Officer, without partiality, fear, favor, or affection.

"Dated this _____ day of _____ 18 .

"(Signature,) G. H.,

"Witnesses:

"Deputy Returning Officer."

"J. K.

"S. M."

Penalty on persons
refusing to perform
the duty, or to make
declaration.

45. Any person so appointed a Deputy Returning Officer, who refuses to accept the said office, or who, after having accepted the same, refuses or neglects either to take and subscribe the said Declaration hereby required of him, or to perform the duties of a Deputy Returning Officer, shall for such neglect or refusal incur a penalty of twenty-five dollars.

Returning Officer
may appoint another
Deputy in certain
cases.

46. The Returning Officer may appoint, in the manner above provided, another person to be Deputy Returning Officer, when and so often as the case may require such appointment, either by reason of the death, illness, or absence of a Deputy Returning Officer previously appointed, or by reason of his refusal or neglect to act in that capacity or otherwise; and such new Deputy Returning Officer so appointed shall perform all the duties and obligations of the said office, under the same penalties in case of refusal or neglect on his part as are hereinbefore imposed in like cases.

Returning Officer to
issue his warrant for
holding the poll, &c.
to each of his Depu-
ties.

47. The Returning Officer shall, by a warrant under his hand, addressed to each of the Deputy Returning Officers by him appointed as aforesaid, require such Deputy Returning Officer to open and hold the poll according to Law, at the time and place fixed as hereinbefore provided and set forth in his said warrant, in the Polling Division of the District for which such Deputy has been so appointed, or at the polling place where such Deputy is required to act, and to take and record at such poll, in a book which such Deputy shall keep or cause to be kept for that purpose, the votes of the Electors voting at the said poll, and to return to him the said Poll Book signed with his hand, and sealed with his seal, immediately after

the close of the poll. Such Warrant may be in the following form:— A.D. 1871.

“District of

Form of Warrant.

“To G. H., Deputy Returning Officer for the District of

“Whereas, by Her Majesty’s Writ to me directed, and bearing date the day of , 18 , I am commanded to hold an Election of Member to represent the Electoral District of in the Legislative Council of this Colony; and whereas a poll having been demanded, was granted by me according to Law. These are, therefore, to authorize and require you to open and hold the poll of such Election at on the day of 18 , at 8 o’clock in the forenoon, and there to keep the said poll open until 4 o’clock in the afternoon, and to take and record at the said polling place, in a book which you shall keep for that purpose, the votes of the Electors voting at the said polling place, and to return to me the said Poll Book, signed with your hand, and sealed with your seal, together with this Warrant, immediately after the close of the poll.

“Given under my hand, at this day of 18 .

“(Signature) A. B.
“Returning Officer.”

And such Poll Book shall be made up as follows:—

No.	Names of the Voters.	Their profession, trade, or calling.	Their place of residence.	Objections.	Sworn.	Voters refusing to take the oath.	Names of persons voted for.

Form of Poll Book.

48. Every Returning Officer upon receiving a Writ to hold any Election for a Member to serve in the Legislature shall furnish every Deputy Returning Officer, Election Clerk, and Poll Clerk with a copy of the Register of Voters relating to the Polling Division of the District or polling place for which he is appointed Deputy Returning Officer, which copy shall be certified under the hand of the Registrar of Voters for the District; and such certified copies shall be furnished by the Registrar of Voters for the District, according to the requisition made to him in that behalf by such Returning Officer.

Returning Officer on receipt of writ, to furnish his Deputies with Register of Voters.

49. The Returning Officer for the principal polling place at which he presides, in addition to the Election Clerk, and every Deputy Returning Officer may, by a Commission under his hand, appoint a Poll Clerk or Poll Clerks to assist him in taking the poll according

Returning Officer, and Deputy may appoint Poll Clerk by Commission.

A.D. 1871.

Oath to be taken.

to Law, and each Poll Clerk appointed as aforesaid, shall before acting as Poll Clerk, take and subscribe, either before a Justice of the Peace for the District in which he resides, or before the Returning Officer, or such Deputy Returning Officer, the oath hereinafter set forth, which Commission may be in the following form:—

“To J. K. [insert his profession, trade or calling, and residence.]

Form of Commission.

“Know you, that in my capacity of Deputy Returning Officer [or one of the Deputy Returning Officers, or Returning Officer, as the fact is] for _____, I have appointed and do hereby appoint you to be Poll Clerk for _____.

“Given under my hand at _____ this
day of the month of _____, in the year _____

“(Signature) G. H.,

“Returning Officer or Deputy Returning Officer.”

And which Oath may be as follows:—

Form of oath.

“I, the undersigned J. J., appointed Poll Clerk for _____ in the _____ of _____, do solemnly swear [or if he be one of the persons permitted by Law to affirm in civil cases, do solemnly affirm], that I will act faithfully in my capacity of Poll Clerk, and also in that of Deputy Returning Officer, if required to act as such, according to Law, without partiality, fear, favour, or affection. So help me God.

“(Signature) J. J.,

“Sworn before me this _____ } “Poll Clerk.”
day of _____ 18 . }

“C. D., J. P.

“or Returning Officer or Deputy Returning Officer.”

Penalty on persons refusing to perform the duty, or to take the oath.

50. Any person so appointed a Poll Clerk, who refuses to accept the said office, or who, after having accepted the same, refuses or neglects either to take and subscribe the oath hereby required of him, or to perform the duties of a Poll Clerk, or any Election Clerk who neglects or refuses to perform the duties of a Poll Clerk, shall for such neglect or refusal incur a penalty of twenty-five dollars.

Duty of the Poll Clerk.

51. Each Poll Clerk shall at the polling place for which he is appointed, aid and assist in the performance of the duties of his office the Returning Officer or Deputy Returning Officer appointed to open and keep the poll at such place in conformity to this Act, and shall obey the orders of the said Returning Officer or Deputy Returning Officer.

To perform the duty of Deputy Returning Officer in certain cases.

52. If the Deputy Returning Officer refuses or neglects to perform the duties of his office, or becomes unable to perform them, either by death, illness, absence, or otherwise, and if in any such case no other Deputy Returning Officer duly appointed by the Returning Officer in the place of the former appears at the polling place, then such Poll Clerk, or if more than one the Poll Clerk who has first

received his appointment shall (under the same penalties as are hereinbefore imposed in like cases on a Deputy Returning Officer) act at such poll as Deputy Returning Officer, and perform all the duties and obligations of that office in the same manner as if he had been appointed Deputy Returning Officer by the Returning Officer, and without being bound to take any new oath for that purpose.

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53. Whenever any Poll Clerk, in the case hereinbefore provided, acts as Deputy Returning Officer, he may appoint, by a commission under his hand, another person as Poll Clerk to aid and assist him as aforesaid in the performance of the duties of his office, and may administer to such person the oath hereinbefore required of a Poll Clerk, and the Poll Clerk so appointed shall have the same duties and obligations as if he had been appointed Poll Clerk by the Deputy Returning Officer himself.

In such case he may appoint another Poll Clerk.

54. Whenever any Poll Clerk, appointed under the requirements of this Act, refuses or neglects to perform his duty as such, or becomes unable to perform it, either by death, illness, absence, or other cause, the Returning Officer or Deputy Returning Officer whose Poll Clerk he was, may appoint, by a commission under his hand, another person as Clerk at the said polling place to aid and assist him as aforesaid in the duties of his office, and may administer to him the oath hereinbefore required of a Poll Clerk.

Returning Officer or his Deputy may appoint another Poll Clerk in certain cases.

55. No Registrar or Collector of Voters, and no Deputy Returning Officer, Election Clerk, or Poll Clerk shall be entitled to vote at any Election of a Member or Members of the Legislature in the Electoral District for which they are so respectively appointed as aforesaid; and any vote given by any such person shall be null, and he shall be liable to a penalty of fifty dollars.

No Registrar, Collector, Deputy Returning Officer, &c., entitled to vote in his District.

Penalty.

56. Each Returning Officer and Deputy Returning Officer shall write, in full, at the head of each page of the poll book used by him, the number of such page, and certify the same by his signature as follows:—

Each Returning Officer and Deputy to certify each page of the Poll Book.

“Page number one (or two, as the case may be), *A. B.*, Returning Officer or Deputy Returning Officer,” and he shall certify in full words at the foot thereof (before entering any name or vote in the next succeeding page) the first and last name, and the total number of names entered thereon, and shall then sign the same, which certificate shall be to the effect following:

“I certify that the total number of names entered on this page as of Voters is _____, whereof the first name is *C. D.*, and the last name is *E. F.*”

“Signed, *A. B.*,

“Returning Officer or Deputy Returning Officer.”

57. Each Returning Officer or Deputy Returning Officer shall, at the polling place kept by him in conformity to this Act, record, or

How votes to be recorded.

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As to Electors
sworn.

cause to be recorded, in such poll book as aforesaid, and in the order in which they shall be given, the votes of the Electors voting at such polling place, by entering therein the name, surname, profession, trade, or calling, and residence of each Elector so voting; and when any Elector has taken the oath required of him by this Act, the Returning Officer or Deputy Returning Officer shall state in the poll book that such oath was taken by the Elector, by entering after the name of such Elector in the proper column of the said poll book, the word "sworn," and nothing more.

Votes objected to,
how to be distin-
guished in Poll
Book.

58. In every case where the vote of any person is objected to by any Candidate or his agent, the Returning Officer or Deputy Returning Officer shall enter the objection in his poll book, by writing after the name of the Voter in the column for objections, the words "objected to" only, mentioning at the same time by which Candidate, or on behalf of what Candidate, the objection has been made, by adding after the words "objected to" the name only of such Candidate.

Persons on the Re-
gister of Voters, to
be allowed to vote
on taking a certain
oath, if required.

59. The Returning Officer, or Deputy Returning Officer, at any election of a Member of the Legislature in any part of this Colony, shall receive the vote of any person whose name he finds in the Register of Voters furnished to him or in his possession as aforesaid; provided, that such person shall, if required by any Candidate, or the Agent of any Candidate, or by the Returning Officer, or Deputy Returning Officer himself, take the following oath or affirmation, which such Deputy Returning Officer is hereby empowered to administer:—

Form of oath.

"You swear (or solemnly affirm) that you are [*name of the Voter as entered on the Register*] whose name is entered on the copy Register of Voters now shewn to you (showing the copy Register to the Voter); that you have not before voted at this Election within this District, either at this or any other polling place; and that you have not received anything, nor has anything been promised to you, either directly or indirectly, in order to induce you to vote at this Election. So help you God."

And no other oath or affirmation shall be required of any person whose name is entered on any Register of Voters as aforesaid.

Returning Officer
and Deputy Return-
ing Officer must
swear Voters in cer-
tain cases.

60. When any Returning Officer, or Deputy Returning Officer, has reason to know or believe that frauds and violence are being practised, in violation of the rights of Electors, by which undue votes are tendered, or that any Voter is not qualified, or has already voted at the said Election, and offers to vote again, or tenders his vote under a false name or designation, or personates, or represents himself falsely as being on the Register of Voters, such Returning Officer, or Deputy Returning Officer, shall administer the oath lastly hereinbefore mentioned to such Voter, whether he be required

to do so or not by any party, of which mention shall be made in the Poll Book.

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61. If any Voter votes at any such Election, without having previously taken such oath or made such affirmation, when he has been thereunto required by one of the Candidates, or his Agent, such Voter shall incur a penalty of fifty dollars.

Penalty for voting without taking oath when required.

62. When any such Voter has been so required by the Returning Officer, or the Deputy Returning Officer, or by any of the Candidates, or by the Agent of any Candidate, to take such oath or make such affirmation, and refuses to take or make the same, his refusal shall be stated by the Returning Officer, or Deputy Returning Officer, in his Poll Book, by entering after the name of such Voter the word "refused," and in every such case the vote shall not be taken or recorded in the said Poll Book; and if any vote is in any such case taken and recorded, it shall be ipso facto null and void, and the Returning Officer, or Deputy Returning Officer, shall, for having taken and recorded the same, or for having caused it to be taken and recorded in his said Poll Book, incur a penalty of fifty dollars.

Refusal of Voter to take the required oath to be entered on poll book.

Vote not to be taken; if taken to be null, and officer to incur a penalty.

63. Whenever any Elector does not understand the English language, the Returning Officer, or Deputy Returning Officer, may make use of an Interpreter to translate the oath or affirmation required of such Elector; and such Interpreter shall take before the said Returning Officer, or Deputy Returning Officer, the oath or (if he be one of the persons permitted by Law to affirm in civil cases) the affirmation following:—

Interpreter may be employed and sworn when Voter does not understand English.

"I swear (or affirm) that I will faithfully translate such oaths, declarations, and affirmations, as the Returning Officer, or Deputy Returning Officer, shall require me to translate at this Election. So help me God."

Oath.

64. In case no such Interpreter can be found, such Elector shall not be permitted to vote, and an entry thereof shall be made in the Poll Book.

If no Interpreter Elector not to vote.

65. The Returning Officer, or Deputy Returning Officer, shall, at the close of the poll, certify under his signature on the said Book, in full words, the true state of the votes at such close, to the effect following:—

State of the poll to be certified at the close.

"I certify that the number of the votes polled at the close of the poll at this polling place, is (the total number of votes polled) whereof *G. H.*, a Candidate has polled ; *J. K.*, a Candidate has polled ; and *L. M.*, a Candidate has polled (as the case may be)."

Form.

"(Signed) *A. B.*,

"Returning Officer, or Deputy Returning Officer."

of which state of the votes he shall publish a certified copy, by

To be published.

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posting the same in some conspicuous place, at such polling place, before leaving the polling place for that day.

Officers not to grant, make, or enter into any scrutiny.

66. No Returning Officer, or Deputy Returning Officer, shall grant, make, or enter into any scrutiny of the votes given at any Election.

Punishment for falsely personating a Voter on the Register.

67. If at the Election of a Member to serve in the Legislature any person knowingly personates and falsely assumes to vote in the name of any other person whose name appears on the proper Register of Voters, whether such other person be living or dead, or if the name of the said other person be the name of a fictitious person, every such person shall be guilty of a misdemeanor, and on being convicted thereof, shall be liable to a fine not exceeding two hundred dollars, or to be imprisoned for a term not exceeding six months.

Person voting may be required to sign his name.

68. The Returning Officer or Deputy Returning Officer shall, if he has reason to suspect that any person is personating, or attempting, or about to personate any Elector or deceased Elector, or if called upon so to do by any Candidate, or the agent of any Candidate, require such person to sign his name in a book to be kept for that purpose, and any person signing or writing the name of any such Elector, not being his own name, shall be deemed guilty of forgery, and liable on conviction to be punished accordingly, and any person being so required who, unless unable to write, shall decline or refuse to sign his name shall on conviction forfeit a sum not exceeding fifty dollars.

False signature forgery.

Provision as to marksmen.

69. If any person so required as aforesaid to sign his name in such book as aforesaid shall allege that he is unable to write, the Returning Officer or Deputy Returning Officer shall himself write the name so given by such person in such book as aforesaid, and shall require such person to affix his mark thereto; and any person so affixing his mark to the name of any such Elector not being his own name shall be deemed guilty of forgery, and liable on conviction to be punished accordingly; and any such person being so required to affix his mark as aforesaid who shall decline or refuse to do so shall, on conviction, forfeit a sum not exceeding fifty dollars.

Penalty for fraudulently conveying lands in order to give a vote;

but the conveyance shall be valid, any agreement to the contrary.

70. If any lands or tenements are transferred or conveyed to any person by any title or instrument whatsoever fraudulently, and for the purpose of giving him the qualification requisite to enable him to be registered as an Elector; and if such person votes at any Election upon such lands or tenements he shall incur a penalty of one hundred dollars; and, nevertheless, such transfer or conveyance, notwithstanding any agreement to annul or revoke the same, or to reconvey such lands or tenements, shall be valid, and shall transfer such lands or tenements out of and from the person who

has so transferred or conveyed the same, and shall vest them in the person to whom they have been so transferred or conveyed to all intents and purposes whatsoever; and every such agreement to annul or revoke any such transfer or conveyance, or to reconvey such lands or tenements, whether such agreement has been made with the person so transferring or conveying, or with the person to whom such lands or tenements are so transferred or conveyed, or with any person or persons acting for them or on their behalf, shall be null and void to all intents and purposes whatsoever.

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71. Every Poll Clerk shall, immediately after the closing of the poll at which he has acted as such, make and subscribe, either before a Justice of the Peace for the District in which he resides, or before the said Deputy Returning Officer, or the Returning Officer himself, the following oath:—

Oath to be made by
Poll Clerk at close
of Poll.

“I, the undersigned, Poll Clerk for _____, do solemnly Form of Oath.

swear [*or if he be one of the persons permitted by Law to affirm in civil cases, do solemnly affirm*] that the Poll Book kept by me under the direction of the Returning Officer, [*or of A. B., who has acted as Deputy Returning Officer therein*] has been so kept by me, under his direction as aforesaid, correctly, and to the best of my skill and judgment; and that the total number of Voters polled in such Poll Book is the number of _____, whereof C. D., a Candidate, has polled _____ votes; E. F., a Candidate, has polled _____ votes, (and so on, as the case may be); and that to the best of my knowledge and belief it contains a true and exact record of the votes given as the said votes were taken at the said Poll by the said Returning Officer, or Deputy Returning Officer.

“(Signature) J. J.,

“Poll Clerk.

“Sworn [*or affirmed*] and subscribed before me, at this _____ day of the month of _____ in the year _____

“(Signature) X. Y.,

“Justice of the Peace,

“or, T. V.,

“Returning Officer,

“or, A. B.,

“Deputy Returning Officer.”

Which oath shall thereafter be annexed to the said Poll Book.

To be annexed to
Poll Book.
Deputy Returning
Officer to make de-
claration.

72. Each Deputy Returning Officer shall, before returning the Poll Book to the Returning Officer, make and subscribe a declaration, in the presence of at least two Electors, which declaration shall be in the following form:—

“I, the undersigned, Deputy Returning Officer [*or one of the Deputy Returning Officers, as the case may be*] for _____ of _____ Form,
do hereby declare that to the best of my knowledge and

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belief the Poll Book [*or Poll Books*] kept at this polling place under my direction, hath been so kept correctly, and that the total number of votes polled in such Poll Book [*or Poll Books*] is the number of , whereof *C. D.*, a Candidate, has polled votes; *E. F.*, a Candidate, has polled votes, [*and so on, as the case may be*]; and that to the best of my knowledge and belief it contains [*or they contain*] a true and correct record of the votes given at this polling place, as the said votes were taken.

“(Signature) *A. B.*,

“Deputy Returning Officer.

“Declared at , the day of the month of ,
in the year .

“(Signature) *S. M.*,

“Deputy Returning Officer.

“Witnesses:

“*O. P.*,“*Q. R.*”To be annexed to
Poll Book.

And such declaration shall thereafter be annexed to the said Poll Book, and the Deputy Returning Officer shall then, immediately, return the Poll Book to the Returning Officer.

Penalties for neg-
lect, &c.

73. Any Deputy Returning Officer, or Poll Clerk, who refuses or neglects to perform such obligations or formalities as lastly hereinbefore mentioned, shall for each such refusal or neglect incur the penalty hereinafter mentioned, that is to say, any Deputy Returning Officer a penalty of one hundred dollars, and any Poll Clerk a penalty of fifty dollars.

Poll Book to be de-
livered by Deputy
in person to Return-
ing Officer in person
unless in case of
sickness, &c.

74. The Deputy Returning Officer shall deliver the said Poll Book, personally, to the Returning Officer, and if he is unable to do so by sickness, or otherwise, he shall deliver such Poll Book, under a sealed cover, to a person chosen by him, and shall mention on the outside of such cover the name of the person to whom it has been delivered under a sealed cover, to be so transmitted, and shall take a proper receipt therefor; and any Deputy Returning Officer failing therein, and any person having taken charge of the Poll Book, and failing to deliver the same so covered and sealed, in the same state in which he received it, in due time and manner, shall be guilty of a misdemeanor, and shall incur a penalty not exceeding fifty dollars, or be imprisoned for a term of not more than one year, or be punished by imprisonment and fine together.

Penalty for neglect.

Proceedings in case
of riot, violence, &c.

75. Where the proceedings at any Election shall be interrupted or obstructed by any riot or open violence, whether such proceedings shall consist of the nomination of Candidates, or of the taking the Poll, the Presiding, Returning, or Deputy Returning Officer, or Poll Clerk, shall not for such cause terminate the business of such nomination, or finally close the poll, but shall adjourn the

nomination, or the taking the poll at the particular polling place at which such interruption or obstruction shall have happened to the following day; and if necessary shall further adjourn such nomination, or poll, as the case may be, until such interruption or obstruction shall have ceased, when the Returning Officer, or Deputy Returning Officer, shall again proceed with the business of the nomination, or with the taking of the poll, as the case may be, at the place at which the same may respectively have been interrupted or obstructed; and the day on which the business of the nomination shall be concluded, shall be deemed to have been the day fixed for the nomination, and the commencement of the poll shall, if practicable, be put off for an equal number of days for which any such nomination may have been adjourned; and any day whereto the poll shall have been so put off or adjourned shall, as to such place or places, be reckoned the day of polling at such Election, within the meaning of this Act. Provided, that no adjournment shall be made to any day beyond that named as the return day in the Writ; and if the Election shall not have been completed by that day, the Returning Officer shall specially return that fact; and where any such poll shall have been adjourned by the Deputy of any Returning Officer, he shall forthwith give notice of such adjournment to the Returning Officer, who shall not finally declare the state of the poll, or the name or names of the Member or Members chosen, until the poll so adjourned as aforesaid shall have been finally closed.

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76. Within seven days after the day of polling, on a day and hour to be appointed by the Returning Officer, he shall proceed to the same place at which the nomination was held, first giving public notice thereof at the close of the poll on the polling day, by openly proclaiming such day and hour, and he shall then and there proceed to ascertain the state of the general poll at the Election, by counting and adding up from each Poll Book the total number of votes taken and recorded at the Election in all the polling places in such Electoral District for which the Election has been had; and as soon as he has so ascertained the total number of votes, he shall then and there openly proclaim, as being duly elected a Member or Members to represent such Electoral District in the Legislature, the person or persons having the greatest number of the votes so counted and added up; but the Returning Officer shall not in any case proclaim any such person or persons duly elected, unless all the Poll Books have been returned to him by all his Deputy Returning Officers; and in the event of the number of votes being found to have been equal for any two or more Candidates, one or more of whom, but not all of such Candidates being by the state of the poll and the number of Members to be elected entitled to be declared elected, such Returning Officer shall, by a casting vote or votes, as the case may be, and whether he be an Elector for such

Proceedings on the day appointed for closing the Election.

Counting the votes.

Proclamation of person elected.

If votes equal, Returning Officer to have casting vote.

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District or Division, or not, decide which of the Candidates, for whom the votes may be equal, shall be elected. Provided, that no Returning Officer shall vote at any Election for the Electoral District or Division of which he is the Returning Officer, except in the case of an equality of votes as aforesaid.

Proceedings to be
adjourned if Poll
Books not returned.

77. If it happens that one or more of the Poll Books have not been returned by the Deputy Returning Officer or Officers, and it is consequently impossible for the Returning Officer to ascertain the total number of votes as required by the next preceding section, then such Returning Officer, instead of proceeding to examine the Poll Books which have been previously returned to him, shall again adjourn the proceedings of the Election to the following day, and so from day to day, until all the said Poll Books have been returned to him.

Reason of adjourn-
ment to be proclaim-
ed.

78. In proclaiming such adjournment, he shall publicly assign the reason thereof, and shall in no case continue the said adjournment to so late a day as to prevent his returning the Writ of Election on the day appointed for that purpose; and he shall in no case adjourn such proceedings to a Sunday, or to any of the holidays hereinbefore mentioned; but if the case occurs, he shall adjourn the proceedings to the day next after such Sunday or holiday.

Proceedings in case
any Poll Book is
stolen, lost, or de-
stroyed.

79. In case any Poll Book is stolen, or taken from its lawful place of deposit for the time being, or has been lost or destroyed, or otherwise placed beyond the reach of the Deputy Returning Officer, to whom the custody of such Poll Book for the time being belonged, at any time before he has made his return of the same to the Returning Officer, such Deputy Returning Officer shall attend personally on the Returning Officer, and report to him the fact of such loss of the said Poll Book, and the Poll Clerk of such Deputy Returning Officer, so soon as he is informed of such loss personally, or by letter, either by or from such Deputy Returning Officer, or the Returning Officer himself, or has other good reasons for believing that such loss has occurred, shall forthwith attend personally on such Returning Officer.

Examination of De-
puty Returning Offi-
cer and Poll Clerk.

80. The Returning Officer shall examine such Deputy Returning Officer and Poll Clerk upon oath or affirmation, as the occasion may require, as to such loss of the said Poll Book and the contents thereof, which examination shall be taken down by him in writing, and be subscribed by such Deputy Returning Officer and Poll Clerk, and annexed to the Return in lieu of such Poll Book; and the number of votes which the said Returning Officer shall by this means find in each such Poll Book for each Candidate at such Election, shall be included in his summing up of the votes for such Election, as if the same had been taken from such Poll Book.

Punishment of De-
puty Returning Offi-
cer or Poll Clerk re-

81. If either the Deputy Returning Officer or the Poll Clerk omits to attend on such Returning Officer as hereby required, or refuses

to be sworn or affirmed by such Returning Officer as aforesaid, he shall be subject to a penalty of two hundred dollars; and in the case of such refusal to be sworn or affirmed as aforesaid, shall and may be committed by the said Returning Officer to the common gaol, until thence discharged by an order in that behalf made by the Legislative Council.

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fusing to attend or
be sworn.

82. When the Returning Officer, having received any Poll Book or any document connected with the Election, has reason to believe that the same has been altered, injured, or obliterated, or that additions have been made thereto, he shall adjourn the proceedings and establish the true facts in the manner above provided in the case of the loss of any Poll Book.

Duty of Returning
Officer believing any
Election documents
to be altered, &c.

83. As soon as the state of the poll is proclaimed (or if no poll is demanded on the nomination day) at the close of the proceedings, the Returning Officer shall make out a Certificate, under his hand and seal, naming the person or persons elected as Member or Members as aforesaid, which Certificate shall be appended to the Writ of Election, and shall be returned with the Writ to the office of the Registrar of the Supreme Court; but no person shall be named in such Certificate who has been publicly required in manner aforesaid to make a declaration of his qualification prior to the proclamation of the state of the poll, and has declined, or refused, or omitted so to do.

Returning Officer to
certify names of per-
sons elected.

84. The Certificate shall be as follows:—

Form of Certificate.

“I do hereby certify, that in obedience to the annexed Writ of Election to me directed, I have caused an Election to take place within the Electoral District of _____, and that the Electors of the said District have chosen _____ to represent the said District in the Legislative Council.

“Dated, this _____ day of _____ 18 ____.

{ L. S. }

“(Signature) A. B.,

“Returning Officer,

“Electoral District of _____.”

85. The Returning Officer (if required so to do) shall also give to each Candidate so elected, a Certificate in the following form:—

Returning Officer to
furnish Candidate
with a Certificate of
his election.
Form.

“I do hereby certify that, in obedience to the Writ of Election to me directed, I have caused an Election to take place within the Electoral District of _____, and that the Electors of the said District have chosen you to represent the said District as a Member [or one of the Members] for the said District in the Legislative Council.

“Dated, this _____ day of _____ 18 ____.

“(Signature) A. B.,

“Returning Officer.

“To _____”

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Returning Officer to have copies of Poll Books made, and deposit same with Registrar of Voters.

To be open to inspection.

Fee.

Original Poll Books and Writ to be returned to Registrar of Supreme Court.

Their effect as evidence.

Also copies of Register of Voters used at Elections.

Delay or technical objections not to invalidate proceedings.

Returning Officer and his Deputies to be Conservators of the Peace during a certain time.

They may require the aid of Justices of the Peace, Constables, &c., and

86. Each Returning Officer shall make, or caused to be made, exact copies of all the Poll Books as well those kept under his own superintendence as those returned to him by his several Deputies, and within ten days after the closing of the Election shall deposit such copies, duly certified by him, in the office of the Registrar of Voters of the District; and the said Registrar shall allow inspection thereof to any person who may demand the same, on payment of a fee of one dollar, and shall allow such person to take a copy of the same at his own expense.

87. The Returning Officer shall also then transmit the originals of the said Poll Books with the Writ of Election, and his return thereupon, to the Registrar of the Supreme Court immediately after the closing of the Election, and the said original Poll Books with the declarations, affidavits, and certificates hereinbefore required, shall in all cases be prima facie evidence of the truth of the allegations therein contained.

88. The Returning Officer shall forward to the Registrar of the Supreme Court with his return to the Writ of Election, copies of the Register of Voters used at that Election duly certified as such by him.

89. No Election shall be held to be void in consequence of there being no Returning Officer at the time of the issue of the Writ of Election, or in consequence of any delay in the holding of the Election at the time appointed, or in taking the poll, or in the return of the Writ, such delay not extending beyond the day named for the return of the Writ, or in consequence of any impediments of a technical or formal nature; and it shall be lawful for the Governor in Council to cause to be adopted such measures as may be necessary for removing any obstacle or the doing of or the omission to do any act of a technical or formal nature, by which, or the want of which, the due course of any Election may be impeded. Provided that the measures so taken as aforesaid shall be forthwith declared by the Governor, by a Proclamation to be for that purpose published in the Government Gazette.

90. From the time when any Returning Officer has received the Writ of Election, or Deputy Returning Officer has taken and subscribed the oath of office as such, until the day next after the final closing of such Election, such Returning Officer or Deputy Returning Officer respectively shall be a Conservator of the Peace, and invested, for the maintenance of the peace, for the arrest, detention, or admission to bail, trial, and conviction of any person or persons who break the law or trouble the peace, with the same powers with which Justices of the Peace are invested in this Colony.

91. And for the maintenance of peace and of good order at such Election each Returning Officer or Deputy Returning Officer respectively may require the assistance of all Justices of the Peace,

Constables, and other persons present at the Election, whether at the hustings or at any polling place, to aid him in so doing, and may also swear in so many Special Constables as he deems necessary. Provided, that no Special Constable so sworn in as aforesaid shall be debarred from voting at such Election.

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swear in special
Constables.

92. And each such Returning Officer or Deputy Returning Officer respectively may arrest, or cause to be arrested by verbal order, and may place in the custody of one or more Constables or other persons, for such time as in his discretion he deems expedient, any person disturbing the peace and good order, or may cause such person to be imprisoned for any such offence, under an order signed by him, until any period not later than the final closing of the Election or of the poll respectively, which order, whether given verbally or in writing, all persons shall obey without delay, under a penalty for any refusal or neglect so to do of twenty-five dollars.

May arrest disturbers, or order them to be arrested for a certain time.

93. No such arrest, detention, or imprisonment shall in any manner exempt the person so arrested, detained, confined, or imprisoned from any pains or penalty to which he has become liable by reason of anything by him done contrary to the true intent and meaning of this Act or otherwise.

Such detention not to prevent other punishment.

94. On a requisition in writing made by any Candidate, or by his agent, or by any two or more Electors, any Returning Officer or Deputy Returning Officer shall swear in such Special Constables.

Special Constables to be sworn in certain cases.

95. Any Returning Officer or Deputy Returning Officer may, during any part of the days whereon any such Election is to be begun, holden, or proceeded with, demand and receive from any person whomsoever any offensive weapon, such as firearms, swords, staves, bludgeons, or the like, with which any such person is armed, or which any such person has in his hands or personal possession.

Returning Officer or his Deputy may demand the surrender of all arms.

96. Every such person who, upon such demand, declines or refuses to deliver up to such Returning Officer or Deputy Returning Officer any such offensive weapon as aforesaid, shall be deemed guilty of a misdemeanor, punishable by fine not exceeding fifty dollars, or imprisonment not exceeding six calendar months, or by both, in the discretion of the Court whose duty it is to pass the sentence of the law upon such person upon his conviction.

Penalty for refusing to surrender the same.

97. Every person convicted of a battery committed during any part of the days whereon any such Election is to be begun, holden, or proceeded with, or on which any poll for such Election is to be begun, holden, or proceeded with, within the distance of two miles of the place where such Election or poll is to be begun, holden, or proceeded with, shall be deemed guilty of an aggravated assault, and shall be punished accordingly.

Certain batteries during Election time to be deemed aggravated assaults.

98. Except the Returning Officer for such Election, the Deputy Returning Officers, or Constables or Special Constables appointed by such Returning Officer or his Deputy, for the orderly conduct

With certain exceptions, no stranger shall come armed into any District while the poll is open therein.

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of such Election or poll, and the preservation of the public peace thereat, no person who hath not had a stated residence in such District for at least three months next before the day of such Election, shall come, during any part of the day upon which such poll is to remain open, into such District, armed with offensive weapons of any kind, as firearms, swords, staves, bludgeons, or the like; nor shall any person whomsoever being in such District arm himself during any part of such day with any such offensive weapons, and thus armed approach within the distance of two miles of the place where the poll for such District or Division is held, unless called upon to do so by lawful authority.

Persons stealing or unlawfully taking or falsifying documents relating to Elections &c., to be guilty of felony, &c.

99. If any person steals, or unlawfully or maliciously, either by violence or stealth, takes from any Returning Officer, Deputy Returning Officer, or Poll Clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroys, injures, or obliterates, or causes to be wilfully or maliciously destroyed, injured, or obliterated, or makes, or causes to be made, any erasure, addition of names, or interlineation of names in, to, or upon, or aids, counsels, or assists in so stealing, taking, destroying, injuring, or obliterating, or in making any erasure, addition of names, or interlineation of names, in, to, or upon any Register of Voters, or any Writ of Election, or any Return to a Writ of Election, or any Poll Book, Certificate, or Affidavit, or any other document or paper made, prepared, or drawn out according to or for the purpose of meeting the requirements of this Act, or any of them,—every such offender shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned with or without hard labour, for any term not exceeding two years, or to suffer such other punishment by fine or imprisonment, or both, as the Court shall award; and it shall not, in any indictment for any such offence, be necessary to allege that the article in respect of which the offence is committed is the property of any person, or that the same is of any value.

Punishment.

Certain averments not to be requisite in indictment.

Accessories punishable as principals.

100. Every person who aids, abets, counsels, or procures the commission of any misdemeanor under this Act, shall be liable to be indicted and punished as a principal offender.

How penalties shall be recoverable.

101. All penalties imposed by this Act shall be recoverable with full costs of suit, by any person who will sue for the same by action of debt or information, in any of Her Majesty's Courts in this Colony having competent jurisdiction, and in default of payment of the amount which the offender is condemned to pay, within the period to be fixed by such Court, such offender shall be imprisoned in the common gaol until he has paid the amount which he has been condemned to pay, with the costs, or until he is discharged by the order of the Court.

How enforced.

102. It shall be sufficient for the plaintiff in any action or suit given by this Act to state in the declaration that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence for which the action or suit is brought, and that the defendant had acted contrary to this Act, without mentioning the Writ of Election or the return thereof.

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What it shall be sufficient to state in the declaration.

103. It shall be sufficient, in any indictment or information for any offence committed contrary to this Act, to allege the particular offence charged upon the defendant, and that the defendant is guilty thereof, without mentioning the Writ of Election, or the return thereof, or the authority of the Returning Officer founded upon any such Writ of Election.

And in any indictment under this Act.

104. It shall not be necessary, on the trial of any suit or prosecution under this Act, to produce the Writ of Election, or the return thereof, or the authority of the Returning Officer, founded upon any such Writ of Election, but general evidence of such facts shall be sufficient evidence.

On the trial, Writ, &c., need not be produced.

105. Every action, suit, or information given by this Act, shall be commenced within the space of one year next after the act committed, and not afterwards.

Limitation of suits under this Act.

106. Every person taking any oath or affirmation under this Act, who wilfully swears or affirms falsely shall be guilty of perjury; and every person making a false declaration, knowing it to be false in any respect, shall be guilty of a misdemeanor.

False swearing perjury.

False declaration misdemeanor.

107. It shall be lawful for the Governor in Council, to authorize the payment of all necessary expenses incurred by the Registrars, in arranging, copying, printing, and publishing Registers, and otherwise in and about any Election.

Governor to authorize expenses incurred by Registrars.

108. When any matter or thing shall be directed by this Act, or by any Writ issued in pursuance thereof, to be performed on a certain day, and that day shall happen to be Sunday, Good Friday or Christmas Day, such matter or thing shall be performed on the next succeeding day, not being Sunday, Good Friday, or Christmas Day.

Any thing directed to be done on Sunday, Good Friday, or Christmas Day, shall be done on the succeeding day.

109. One copy of this Act for the Returning Officer, and one for each of his Deputies, shall be transmitted with the Writ of Election to each and every Returning Officer throughout the Colony.

Copy of Act to be sent to Returning Officer and Deputies with Writ.

110. The Governor in Council shall fix the amount of fees and allowances from time to time to be paid to the Returning Officers, Election Clerks, Deputy Returning Officers, and Poll Clerks, and the amounts to be paid to any Special Constables whose services may be required under the provisions of this Act.

Governor to fix fees to be paid to Returning Officer, &c.

111. Each Returning Officer shall immediately after the close of any Election make up an account of all such fees and allowances, and of any necessary disbursements, which he or any of his subor-

Returning Officer to make up account of fees, disbursements, &c., which shall be paid to him.

A.D. 1871.

dinates may have made in respect of such Election, and the amount of such account, after the same has been approved by the Governor in Council, shall be paid over to the Returning Officer by warrant of the Governor, directed to the proper Officer of the Treasury, and shall be distributed by such Returning Officer to the several Officers and persons entitled to the same under the provisions of this Act, which distribution he shall report to the Governor, and account for the same as the Governor may direct.

Act when to come
into operation.

112. This Act shall come into operation immediately upon its being passed, but shall not apply to any Election of a Member of the Legislative Council until the Register of Voters, under "The Qualification and Registration of Voters' Act, 1871," is completed and delivered to the Returning Officer, as in the said Act is provided in that behalf; and until such Register of Voters is so completed and delivered as aforesaid, the proceedings at Elections of Members of the Legislature shall be the same as if this Act had never been passed.

Act how to be con-
strued.

113. This Act shall be taken to apply to "The Constitution Act, 1871," passed in the present Session, if, and when the same comes into operation in this Colony, as fully and effectually to all intents and purposes, as if "The Constitution Act, 1871," had been actually in operation upon the passing of this Act, and as if this Act had related to the proceedings at Elections of Members for the Legislative Assembly thereby constituted, so far as the provisions contained in this Act are not absolutely repugnant to the provisions of "The Constitution Act, 1871."

Interpretation of
terms.

114. In this Act, and in "The Qualification and Registration of Voters' Act, 1871," the term "Governor" shall mean the Officer for the time being administering the Government of this Colony.

Short Title.

115. This Act may be cited as "The Election Regulation Act, 1871."

No. 158.

A.D. 1871.

An Act to prevent Bribery, Treating, and Undue Influence at Elections of Members of the Legislature.

[27th March, 1871.]

Preamble.

WHEREAS it is advisable to prohibit and, as far as possible, to prevent by Legislative Enactment, all bribery, treating, and undue influence at Elections of Members of the Legislature:

Be it therefore enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly:—

A.D. 1871.

Bribery defined.

- (a.) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure, or endeavour to procure any money or valuable consideration to or for any Voter, or to or for any person on behalf of any Voter, or to or for any other person, in order to induce any Voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of such Voter having voted or refrained from voting at any Election :
- (b.) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure, or to endeavour to procure any office, place, or employment, to or for any Voter, or to or for any person on behalf of any Voter, or to or for any other person, in order to induce such Voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of any Voter having voted or refrained from voting at any Election :
- (c.) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in the Legislature, or the vote of any Voter at any Election :
- (d.) Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise or endeavour to procure the return of any person to serve in the Legislature, or the vote of any Voter at any Election :
- (e.) Every person who shall advance, or pay, or cause to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any Election, or who shall knowingly pay or cause to be paid any money to any person, in discharge or repayment of any money wholly or in part expended in bribery at any Election.

And any person so offending shall be guilty of a misdemeanor, punishable by fine or imprisonment, and shall also be liable to forfeit the sum of five hundred dollars to any person who shall sue for the same, together with the full costs of suit. Provided always, that this Act shall not extend, or be construed to extend, to any money paid, or agreed to be paid, for on account of any legal expenses bona fide incurred at or concerning any Election.

Misdemeanor, penalty.

2. The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly:—

Bribery further defined.

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(a.) Every Voter who shall, before or during any Election, directly or indirectly, by himself or by any other person on his behalf, receive, agree, or contract for, any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining, or agreeing to refrain, from voting at any Election :

(b.) Every person who shall after any Election, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any Election.

Misdemeanor, penalty.

And any person so offending shall be guilty of a misdemeanor, punishable by fine or imprisonment, and shall also be liable to forfeit the sum of fifty dollars to any person who shall sue for the same, together with full costs of suit.

Treating defined.

3. Every Candidate at an Election who shall corruptly, by himself or by or with any person, or by any other ways or means on his behalf, at any time either before, during, or after any Election, directly or indirectly, give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay, wholly or in part, any expenses incurred for any meat, drink, entertainment, or provision, to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person, or any other person, to give or refrain from giving his vote at such Election, or on account of such person having voted or refrained from voting, or being about to vote or refrain from voting, at such Election, shall be deemed guilty of the offence of treating, and shall forfeit the sum of two hundred and fifty dollars to any person who shall sue for the same, with full costs of suit; and every Voter who shall corruptly accept or take any such meat, drink, entertainment, or provision shall be incapable of voting at such Election, and his vote if given shall be utterly void and of none effect.

Penalty.

Undue influence defined.

4. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make use of, or threaten to make use of, any force, violence, or restraint, or inflict or threaten the infliction, by himself or by or through any other person, of any injury, damage, harm, or loss, or in any other manner practise intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any Election, or who shall by abduction, duress, or any fraudulent device or contrivance, impede, prevent, or otherwise interfere with the free exercise of the franchise of any Voter, or shall thereby compel,

induce, or prevail upon any voter either to give or refrain from giving his vote at any Election, shall be deemed to have committed the offence of undue influence, and shall be guilty of a misdemeanor, punishable by fine or imprisonment, and shall also be liable to forfeit the sum of two hundred and fifty dollars to any person who shall sue for the same, together with full costs of suit.

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Misdemeanor, penalty.

5. It shall not be lawful for any Candidate, or any one on his behalf, at any Election, to pay any money on account of the conveyance of any Voter to the poll, either to the Voter himself or any person on his behalf, nor to pay any money or give any valuable consideration to any Voter for or in respect of his travelling expenses for such purpose; and if any such Candidate, or any person on his behalf, shall pay any money on account of the conveyance of any Voter to the poll, or in respect of his travelling expenses, such payment shall be deemed to be an illegal payment within the meaning of this Act.

Candidate paying for conveyance of Voters to the poll illegal.

6. No Candidate before, during, or after any Election shall, in regard to such Election, by himself or agent, directly or indirectly, give or provide to or for any person having a vote at such Election, or to or for any inhabitant of the Electoral District, Division, or place for which such Election is had, any cockade, ribbon, or other mark of distinction; and every person so giving or providing, shall for every such offence forfeit the sum of ten dollars to such person as shall sue for the same, together with full costs of suit; and all payments made for or on account of any chairing, or any such cockade, ribbon, or mark of distinction as aforesaid, or of any bands of music, flags, or banners, shall be deemed illegal payments within this Act.

No cockade, &c., to be given at Elections.

Penalty.

7. No Candidate or any other person shall furnish or supply any cockade, ribbon, or other mark of distinction, with intent that the same should be worn or used within such Electoral District on the day of Election, or within eight days before such day, or during the continuance of such Election, by such person or any other, as a party badge to distinguish the wearer as the supporter of such Candidate, or of the political or other opinions entertained or supposed to be entertained by such Candidate; nor shall any person use or wear any cockade, ribbon, or other mark of distinction as such badge, within any Electoral District on the day of any such Election, or within eight days before such day, or during the continuance of such Election.

No cockades, &c., to be used at Elections or eight days before,

8. No Candidate or any other person shall furnish or supply any ensign, standard, or set of colours, or any other flag, to or for any person or persons whomsoever, with intent that the same should be carried or used in any Electoral District on the day of Election, or within eight days before such day, or during the continuance of such Election, by such person or any other, as a party flag to dis-

Party ensigns, flags, &c., not to be carried during any Election, or eight days before.

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tinguish the bearer thereof and those who might follow the same as the supporters of such Candidate, or of the political or other opinions entertained or supposed to be entertained by such Candidate; nor shall any person for any reason carry or use any such ensign, standard, set of colours, or other flag, as a party flag, within such Electoral District on the day of any such Election, or within eight days before such day, or during the continuance of such Election.

Misdemeanor.

9. Every person offending against any of the provisions of the two next preceding Sections shall be guilty of a misdemeanor.

Refreshments to Voting on nomination or polling days declared illegal.

10. The giving, or causing to be given, to any Voter on the day of nomination, or the day of polling, on account of such Voter having polled, or being about to poll, any meat, drink, or entertainment by way of refreshment, or any money or ticket to enable such Voter to obtain refreshment, shall be deemed an illegal act, and the person so offending shall forfeit the sum of ten dollars for each offence, to any person who shall sue for the same, together with full costs of suit.

Penalty.

Penalties how recoverable.

11. The pecuniary penalties hereby imposed for the offences of bribery, treating, or undue influence, respectively, shall be recoverable by action or suit, by any person who shall sue for the same in the Supreme Court, or in any of the County Courts of British Columbia.

Costs and expenses of prosecutions.

12. It shall be lawful for any Criminal Court, before which any prosecution shall be instituted for any offence against the provisions of this Act, to order payment to the prosecutor of such costs and expenses as to the said Court shall appear to have been reasonably incurred in and about the conduct of such prosecution.

Cases in which defendant may recover costs from the prosecutor.

13. In case of any indictment or information by a private prosecutor for any offence against the provisions of this Act, if judgment shall be given for the defendant, he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of such indictment or information; such costs to be taxed by the proper officer of the Court in which such judgment shall be given.

Prosecutor not to be entitled to costs unless he shall have entered into a recognizance to conduct prosecution and pay costs.

14. It shall not be lawful for any Court to order payment of the costs of a prosecution for any offence against the provisions of this Act, unless the prosecutor shall, before or upon the finding of the indictment or the granting of the information, enter into a recognizance, with two sufficient sureties, in the sum of two hundred and fifty dollars (to be acknowledged in like manner as would be now required in cases of certiorari awarded at the instance of a defendant in an indictment), with the conditions following, that is to say: that the prosecutor shall conduct the prosecution with effect, and shall pay to the defendant or defendants, in case he or they shall be acquitted, his or their costs.

Limitation of actions.

15. No person shall be liable to any penalty or forfeiture hereby enacted or imposed, or to be tried for a misdemeanor or other

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offence under this Act, unless some prosecution, action, or suit for the offence committed, shall be commenced against such person within the space of one year next after such offence against this Act shall be committed, and unless such person shall be summoned or otherwise served with writ or process within the same space of time, so as such summons or service of writ or process shall not be prevented by such person absconding or withdrawing out of the jurisdiction of the Court out of which such writ or other process shall have issued as aforesaid, the same shall be proceeded with and carried on without any wilful delay.

16. In any indictment or information for bribery or undue influence, and in any action or proceeding for any penalty for bribery, treating, or undue influence, it shall be sufficient to allege that the defendant was at the Election at or in connection with which the offence is intended to be alleged to have been committed guilty of bribery, treating, or undue influence (as the case may require); and in any criminal or civil proceedings in relation to any such offence, the Certificate of the Returning Officer in this behalf shall be sufficient evidence of the due holding of the Election, and of any person therein named having been a Candidate thereat.

General allegations sufficient in indictments.

17. On the trial of any action for recovery of any pecuniary penalty under this Act, the parties to such action, and the husbands and wives to such parties respectively, shall be competent and compellable to give evidence, in the same manner as parties and their husbands and wives are competent and compellable to give evidence in actions and suits under the Acts of the Parliament of Great Britain and Ireland, 14th and 15th Victoria, Chapter 99, and "The Evidence Amendment Act, 1853," so far as the same are in force in this Colony, but subject to and with the exceptions contained in such several Acts. Provided, always, that any such evidence shall not thereafter be used in any indictment or criminal proceeding under this Act against the party giving it.

In actions for penalties, parties, &c., to be competent witnesses.

18. If any Candidate, at an Election for any Electoral District, shall be declared by any competent authority guilty by himself or his agents of bribery, treating, or undue influence at such Election, such Candidate shall be incapable of being elected, or sitting in the Legislative Council for such Electoral District, during the time for which Members are elected for the Legislative Council then in existence.

Candidate declared guilty of bribery, &c., incapable of being elected during existing Council.

19. No payment (except in respect of the personal expenses of a Candidate); and no advance, loan, or deposit shall be made by or on behalf of any Candidate at an Election, before, or during, or after such Election, on account of or in respect of such Election, otherwise than through an agent or agents, whose name and address, or names and addresses, have been declared in writing to the Returning Officer on or before the day of nomination, or through an agent

No payment, &c., shall be made by or on behalf of Candidates, otherwise than through authorized agents.

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or agents to be appointed in his or their place, as herein provided; and any person making any such payment, advance, loan, or deposit otherwise than through such agent or agents, shall be guilty of a misdemeanor.

Returning Officers to publish names and addresses of agents.

It shall be the duty of the Returning Officer of the Electoral District to publish, on or before the day of nomination, the name and address, or the names and addresses of the agent or agents appointed in pursuance of this section.

In the event of death &c., of agent another to be appointed.

In the event of the death or legal incapacity of any agent appointed in pursuance of this section, the Candidate shall forthwith appoint another agent in his place, on giving notice to the Returning Officer of the name and address of the person so appointed, which shall be forthwith published, in the manner hereinbefore provided, by the Returning Officer.

Bills, &c., to be sent in within one month to agent, or right to recover barred.

20. All persons who have any bills, charges, or claims upon any Candidate for or in respect of any Election, shall send in such bills, charges, or claims within one month from the day of the declaration of the Election to such agent or agents as aforesaid, otherwise such persons shall be barred of their right to recover such claims and every or any part thereof.

Provided, always, that in case of the death, within the said month, of any person claiming the amount of such bill, charge, or claim, the legal representative of such person shall send in such bill, charge, or claim within one month after obtaining probate, or letters of administration, or confirmation as executor, as the case may be, or the right to recover such claim shall be barred as aforesaid. Provided, also, that such bills, charges, and claims shall and may be sent in and delivered to the Candidate, if and so long as during the said month there shall, owing to death or legal incapacity, be no such agent.

As to publication of statement of Election expenses.

21. A detailed statement of all Election expenses incurred by or on behalf of any Candidate, including such expected payments as aforesaid, shall, within two months after the Election (or in cases where by reason of the death of the creditor no bill has been sent in within such period of two months, then within one month after such bill has been sent in) be made out and signed by the agent, or if there be more than one, by every agent who has paid the same (including the Candidate, in case of payment made by him), and delivered, with the bills and vouchers relative thereto, to the Returning Officer; and the Returning Officer for the time being shall, at the expense of the Candidate, within fourteen days, publish, or cause to be published, in the manner to be from time to time provided by the Governor in Council, an abstract of such statement, with the signature of the agent thereto; and any agent or Candidate who makes default in delivering to the Returning Officer the statement required by this section, shall incur a penalty not exceeding twenty-five dollars for every day during which he so makes default; and any agent or

Candidate who wilfully furnishes to the said Returning Officer an untrue statement shall be guilty of a misdemeanor; and the said Returning Officer shall preserve all such bills and vouchers, and during six months, after they have been delivered to him, permit any Voter to inspect the same, on payment of a fee of one dollar.

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22. Throughout this Act, in the construction thereof, except there be something in the subject or context repugnant to such construction, the word "Election" shall mean the Election of a Member or Members to serve in the Legislature; and the word "Voter" shall mean any person who has or claims to have a right to vote in the Election of a Member or Members to serve in the Legislature; and the words "Candidate at an Election," "Candidate at any Election," or "Candidate" shall include all persons elected to serve in the Legislature at such Election, and all persons nominated as Candidates at such election, or who shall have declared themselves Candidates on or after the day of the issuing of the Writ for such Election, or after the dissolution or vacancy in consequence of which such Writ shall have been issued. Provided, that nothing herein contained shall be construed to impose any liability on any person nominated without his consent. And the words "personal expenses," as used herein, with respect to the expenditure of any Candidate in relation to any Election, shall include the reasonable travelling expenses of such Candidate, and the reasonable expenses of his living at hotels, or elsewhere, for the purposes of and in relation to such Election.

Interpretation of terms.

23. This Act shall be taken to apply to "The Constitution Act, 1871," passed in the present Session, if and when the same comes into operation in this Colony, as fully and effectually, to all intents and purposes, as if "The Constitution Act, 1871," had been actually in operation upon the passing of this Act, and as if this Act had related to the Legislative Assembly, and to the Elections of Members for the Legislative Assembly thereby constituted.

Act how to be construed.

24. This Act may be cited as "The Corrupt Practices Prevention Short Title Act, 1871."

No. 159.

An Act to enable the Governor to grant Charters for Tolls.

A.D. 1871.

[25th March, 1871.]

WHEREAS it has been considered doubtful whether the Governor has power to grant Charters for collecting Tolls:

Preamble.

And whereas it is advisable to remove all doubts upon the subject, and as well to confirm all such Charters as have been already issued, as to grant such powers in that respect to the Governor for the time being, as are hereinafter contained:

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Be it therefore enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Interpretation
Clause.

1. The term "Governor" shall mean the Officer for the time being lawfully administering the Government of this Colony.

Charters, &c., [here-
tofore granted to be
valid.

2. All Charters heretofore granted by the Governor for the time being for the collection of Tolls, or any authority for that purpose heretofore given by Deed, by any Officer employed by the Government, acting on behalf of the Government, shall be valid and effectual to all intents and purposes.

Governor in Council
may grant Charters
under Public Seal;

3. The Governor in Council may, from time to time, in Her Majesty's name, and under the Public Seal of this Colony, grant to any person or persons, upon such terms as he may think fit, Charters for the collection of Tolls on any Road to be hereafter opened or improved by the person or persons obtaining the Charter.

But not until Ten-
ders have been
called for.

4. No such Charter shall be granted until Tenders have been invited for the work required or proposed to be done for or in respect of which such Charter is proposed to be granted. Provided, that it shall not be imperative upon the Governor in Council to grant such Charter to any person tendering for the performance of such work as aforesaid, nor to the person whose Tender shall apparently be most favourable to the interests of the public generally.

Short Title.

5. This Act may be cited for all purposes as "The Toll Charter Act, 1871."

No. 160.

A.D. 1871. An Act to provide for a permanent Civil List.

[27th March, 1871.]

Preamble.

WHEREAS it is desirable that a permanent Civil List should be established by Law:

Be it therefore enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Appropriation of
\$78,346 25 in every
year, for Civil List.

1. There shall be payable, in every year, to Her Majesty, Her heirs and successors, out of the General Revenue of this Colony, a sum not exceeding Seventy-eight thousand three hundred and forty-six Dollars and Twenty-five Cents, for defraying the expense of the several services and purposes named in the Schedule A., hereunto annexed.

2. The sums so set down in the said Schedule A., opposite to each Office or Department, 'shall be payable for each while the Incumbents at the time this Act comes into operation respectively remain in office.

3. The said sums shall be payable by the proper Officer of the Treasury, upon the Warrant of the Governor, or Officer Administering the Government for the time being.

4. This Act shall not come into operation until it has received Her Majesty's assent, and such assent has been proclaimed in the Colony.

5. This Act may be cited as "The Civil List Act, 1871."
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Sums in Schedule payable to present Incumbents of office.

Officer of the Treasury to pay on Governor's Warrant.

Suspending clause.

Short Title.

SCHEDULE A.

HIS EXCELLENCY THE GOVERNOR.	
Private Secretary	\$1,452 00
Messenger	500 00
LEGISLATIVE COUNCIL.	
Clerk	600 00
Messenger	200 00
COLONIAL SECRETARY'S DEPARTMENT.	
Colonial Secretary	3,880 00
Assistant Colonial Secretary	1,940 00
1st Clerk	1,452 00
2nd Clerk	1,452 00
Messenger	500 00
PRINTING BRANCH.	
Superintendent	1,500 00
Two Printers	2,000 00
Assistant Printer	700 00
TREASURY.	
Chief Clerk in Charge	2,190 00
Clerk	1,452 00
Clerk	1,200 00
AUDIT.	
Audit Clerk	1,940 00
CHIEF COMMISSIONER OF LANDS AND WORKS.	
Chief Commissioner	3,880 00
Surveyor General	2,425 00
Clerk	1,224 00
Draughtsman	1,224 00
Accountant Clerk	1,200 00
Messenger	250 00
595	

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ATTORNEY GENERAL'S DEPARTMENT.

Attorney General	3,880 00
Clerk	1,750 00

SHERIFF.

Salary in addition to Fees.....	1,500 00
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POLICE, VICTORIA.

Clerk	1,500 00
Inspector	1,008 00
Sergeant.....	800 00
Two Constables	1,277 50

GAOL.

Gaoler	1,008 00
Assistant Gaoler	912 50
Superintendent of Convicts	1,008 00
Two Convict Guards	1,277 50
Two Door Guards	1,095 00
Cook	638 75
Medical Officer	600 00

NEW WESTMINSTER.

Two Constables	1,400 00
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GAOL.

Gaoler	1,008 00
Turnkey.....	708 00
Medical Officer	500 00

COLUMBIA AND KOOTENAY.

Clerk and Constable	1,704 00
Constable	1,404 00
Constable, French Creek	1,704 00

CARIBOO, INCLUDING QUESNEL, SODA CREEK, AND OMINECA.

Clerk	1,940 00
Chief Constable.....	1,940 00
Constable	1,450 00
Two Constables	2,016 00
Constable at Quesnel.....	1,224 00
Officer at Omineca.....	1,940 00

YALE, INCLUDING HOPE AND LYTTON.

Chief Constable	1,104 00
Constable	1,008 00
Chief Constable, Lytton	1,104 00
Toll Collector, Yale	1,104 00

LILLOET AND CLINTON.

Chief Constable	1,104 00
Constable and Toll Collector, Clinton.....	1,104 00

NANAIMO AND COMOX.

Constable, Nanaimo.....	732 00
Constable, Comox.....	732 00

No. 161.

An Act to repeal certain Acts, Ordinances, and Proclamations. A.D. 1871.

[27th March, 1871.]

WHEREAS a Commission has been appointed to revise the Statutes in force in the Colony of British Columbia, with a view to the publication of a correct edition thereof, for public use: Preamble.

And, whereas, in furtherance of that object, it is expedient to repeal certain obsolete and unnecessary Acts, Ordinances, and Proclamations;

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. All and singular the Acts, Ordinances, and Proclamations specified or referred to in the Schedule hereto shall be and are hereby repealed. Provided, always, that no Act, Ordinance, Proclamation, or Order repealed by any of the Acts, Ordinances, or Proclamations, or sections or parts thereof hereby repealed, shall revive, but the same shall remain repealed. Repeal of Acts &c.,
in Schedule.

2. The repeal of the Acts, Ordinances, or Proclamations hereby repealed shall not affect, or be construed to affect, any penalty, forfeiture, tax, or liability that shall have accrued or been incurred before this Act comes into force, or the proceedings for enforcing the same, nor any right, title, act, matter, or thing done, acquired, confirmed, established, existing, or pending, nor any privileges, indemnity, or immunity, conferred under any of the said repealed Acts, Ordinances, or Proclamations, but every such penalty, forfeiture, liability, and proceedings, and every such act, right, matter, and thing so done, acquired, conferred, established, existing, or pending, and every such privilege, indemnity, or immunity conferred, shall continue and be considered dealt with, enjoyed, enforced, and adjudged upon respectively as if such repeal had not taken place. Saving existing li-
abilities and rights.

3. The Schedule hereto shall form part of this Act.

Schedule part of
Act.

4. This Act may be cited for all purposes as "The Statutes Repeal Act, 1871."

Short Title.

A.D. 1871.

THE SCHEDULE.

STATUTES OF THE FORMER COLONY OF VANCOUVER ISLAND
AND ITS DEPENDENCIES.

Date.	Title
1859. Prior to 1st August.	All Proclamations and Acts of Council purporting to have been passed or issued under or by virtue of the authority of the Officer for the time being Administering the Government of the late Colony of Vancouver Island and its Dependencies, and all Acts of the Legislature thereof, made or purporting to have been made, prior to the 1st day of August, Eighteen hundred and fifty-nine. -
23rd August, 1859.	An Act to provide for the Resignation and Vacating of Seats in the House of Assembly in the Colony of Vancouver Island, and for the Election of Members on Vacancies.
7th October, 1859.	The "Representation Act, 1859."
7th October, 1859.	The "Registration of Voters Act, 1859."
29th October, 1859.	An Act to remove Doubts as to the Interest of Money in the Colony of Vancouver Island, and its Dependencies.
3rd November, 1859.	The "Franchise Act, 1859."
9th July, 1860.	An Act to Provide for the Administration of Oaths in the House of Assembly, and the Production of Evidence before Committees of the same.
28th August, 1860.	An Act for the payment of certain Salaries.
28th August, 1860.	An Act to improve the Streets of the Town of Victoria, and to authorize the Collection of a Tax to be called the Victoria Street Fund.
28th August, 1860.	The "Fireman's Protection Act, 1860."
10th December, 1860	"The Act to cure imperfect Titles, 1860."
19th December, 1860	"The Minor Offences Act, 1860."
19th December, 1860	"The Annual Registration of Voters Act, 1860."
19th December, 1860	The "Act for Confirming Titles from the Hudson's Bay Company, 1860."
6th February, 1861.	The "Powder Magazine Act, 1860."
29th October, 1861.	"The Supplementary Street Act, 1861."
14th November, 1861	"An Act for the Confirmation of the Titles of Aliens to Real Estate, 1861."
28th November, 1861	The "Pawnbroker's Act, 1861."
28th November, 1861	"The Summary Procedure on Bills of Exchange Act, 1861."
29th May, 1862.	The "Vancouver Island Temporary Loan Act, 1862."
12th June, 1862.	The "Revisor's Confirmation Act, 1862."
9th July, 1862.	"The Provisional Appointments Act, 1862."

A.D. 1871.

Date.	Title.
19th July, 1862.	"The Provisional Sanatory Commission Act, 1862."
5th August, 1862.	"The Burnside Road Act, 1862."
12th December, 1862	"The Gunpowder Act, 1862."
12th December, 1862	"The City of Victoria Representation Act, 1862."
27th February, 1863.	The "Victoria Incorporation Debenture Act, 1863."
27th February, 1863.	The "Stamp Act, 1863."
27th February, 1863.	An Act to apply the sum of Two hundred and forty-seven thousand two hundred and twenty-five dollars out of the General Revenue of the Colony of Vancouver's Island and its Dependencies to the service of the year One thousand eight hundred and sixty-three.
27th February, 1863.	An Act to apply the sum of Twenty-five thousand seven hundred and five dollars out of the General Revenue of the Colony of Vancouver's Island and its Dependencies for the payment of certain salaries and expenses for the service of the year One thousand eight hundred and sixty-three.
27th February, 1863.	An Act to grant a Supplemental Supply of Twenty-four thousand one hundred and twenty-nine dollars and fifty-three cents for the service of the year One thousand eight hundred and sixty-three.
30th October, 1863.	"The Provisional Act for the Election of Mayor and Councillors, 1863."
28th December, 1863	"The Mayor and Council of Victoria Indemnity Act, 1863."
11th March, 1864.	The "Governor's Indemnity Act, 1864."
12th March, 1864.	An Act to apply the sum of Two hundred and fifty-seven thousand two hundred and seventy-nine dollars and fifty cents out of the General Revenue of the Colony of Vancouver Island and its Dependencies, to the service of the year One thousand eight hundred and sixty-four.
8th June, 1864.	"The Governor's Victoria City Aid Act, 1864."
7th July, 1864.	An Act to repeal "The Vancouver Island Stamp Act, 1862."
7th July, 1864.	An Act to apply the Sum of Twenty Six Thousand Dollars out of the General Revenue of the Colony of Vancouver Island and its Dependencies to the Service of the Year 1864.
7th July, 1864.	An Act to grant a Supplemental Supply of Nineteen Thousand Eight Hundred and Four Dollars and Twenty Eight Cents for the service of the Year One Thousand Eight Hundred and Sixty Three.
7th July, 1864.	The "Harewood Railway Company Act, 1864."
7th July, 1864.	"The Victoria City Half per Cent. Tax Act, 1864."
7th July, 1864.	The Supplemental Supply Act No. 4, 1864.
5th November, 1864.	"The Provisional Act for the Election of Mayor and Councillors, 1864."
h December, 1864.	"The Chief Justice's Salary Act, 1864."
30th March, 1865.	An Act to apply the Sum of Two Hundred and Ninety-eight Thousand Six Hundred and Eighteen Dollars and Twenty-five Cents out of the General Revenue of the Colony of Vancouver

A.D. 1871.

Date.	Title.
	Island and its Dependencies, to the Service of the Year One Thousand Eight Hundred and Sixty-five.
9th June, 1865.	"The Declaration of Title Act, 1865."
16th June, 1865.	"The First Telegraph Act Amendment Act, 1865."
16th June, 1865.	"The Vancouver Island Jury Act, 1865."
21st June, 1865.	An Act to grant a Supplemental Supply of Thirty-seven Thousand Six Hundred and Eight Dollars and Thirty-nine Cents for the Service of the Year One Thousand Eight Hundred and Sixty-four.
21st June, 1865.	An Act to apply the Sum of Fourteen Thousand Nine Hundred and Forty Dollars out of the General Revenue of the Colony of Vancouver Island and its Dependencies to the service of the Year One Thousand Eight Hundred and Sixty-five.
24th June, 1865.	"The Victoria City Half Per Cent Tax Act, 1865."
4th July, 1865.	An Act to explain "The Chief Justice's Salary Act, 1864."
15th February, 1866.	"The Harewood Railway Company Extension Act, 1866."

STATUTES RELATING TO THE FORMER COLONY OF BRITISH COLUMBIA
AND ITS DEPENDENCIES.

19th November, 1858	Proclamation to indemnify the Governor for acts done.
2nd December, 1858	Proclamation to enable the Governor to convey Crown Lands sold within the Colony.
3rd December, 1858	Proclamation relating to Customs Dues, &c.
5th March, 1859.	Proclamation relating to entrance of Miners' Boats into Fraser River, and certain exemptions from Customs Duties.
8th May, 1860.	"The Town Lot Leases Relief Act, 1860."
10th August, 1860.	The "Spuzzem Road Bonds Act, 1860."
20th August, 1860.	"The Shimilkomeen Roads' Bonds Act, 1860."
29th October, 1861.	The "Harrison Lillooet Portage No. 2 Roads Bonds Act, 1861."
22nd August, 1862.	"The Sunday Observance Act, 1862."
21st September, 1863	"The Alexandra Bridge Toll Act, 1863."
2nd February, 1864.	"The Confirmatory Ordinance, 1864."
18th February, 1864.	An Ordinance to apply the sum of One hundred and thirty-five thousand, six hundred and thirty-nine pounds, sixteen shillings and seven pence, Sterling, out of the General Revenue of the Colony of British Columbia and its Dependencies, to the service of the year One thousand eight hundred and sixty-four.
10th March, 1864.	The "British Columbia Steam Traction Engine Act, 1864."
4th May, 1864.	The "Naval and Military Settlers' Relief Ordinance, 1864."
7th February, 1865.	"The Traction Engine extension Ordinance, 1865."
22nd February, 1865	"The Lytton Bridge Toll Ordinance, 1865."

A.D. 1871.

Date.	Title.
22nd February, 1865	The "Telegraph Amendment Ordinance, 1865."
17th March, 1865.	An Ordinance to apply the sum of Two hundred and twenty-five thousand, nine hundred and forty-six pounds, twelve shillings and eight pence, Sterling, out of the General Revenue of the Colony of British Columbia and its Dependencies, to the service of the year One thousand eight hundred and sixty-five.
24th January, 1866.	The "Confirmatory Ordinance, 1866."
5th March, 1866.	An Ordinance to apply the sum of Seven Hundred and Twenty-Two Thousand One Hundred and Fourteen Dollars and Five Cents, out of the General Revenue of the Colony of British Columbia and its Dependencies, to the service of the year One Thousand Eight Hundred and Sixty-Six.
29th March, 1866.	An Ordinance granting a Supplemental Supply of Thirty-two Thousand Four Hundred and Fifty-six Pounds, Seven Shillings, and Five Pence, out of the General Revenue of the Colony of British Columbia and its Dependencies, to the service of the years One Thousand Eight Hundred and Sixty-four and five respectively.
29th March, 1866.	"The Gold Export Repeal Ordinance, 1866."

STATUTES RELATING TO BRITISH COLUMBIA SINCE THE UNION OF THE
TWO FORMERLY SEPARATE COLONIES OF VANCOUVER ISLAND AND
BRITISH COLUMBIA.

12th February, 1867.	The "Imports Indemnity Ordinance, 1867."
12th February, 1867.	The "Victoria City Aid Ordinance, 1867."
19th March, 1867.	An Ordinance to appropriate the sum of Five Hundred and Sixty-Six Thousand Six Hundred and Fifty Eight Dollars and Thirty Cents out of the General Revenue of the Colony for the Contingent Service of the year 1867.
2nd April, 1867.	"The Real Estate Tax Repeal Ordinance, 1867."
2nd April, 1867.	"The Harewood Colliery Company's Railway Extension Ordinance, 1867"
2nd April, 1867.	An Ordinance to confirm the expenditure of the sum of One Hundred and Forty-One Thousand Two Hundred and Ninety-five Dollars and Fifteen Cents, for the Service of the Colony of Vancouver Island, for the Year One Thousand Eight Hundred and Sixty-Six.
2nd April, 1867.	An Ordinance to confirm the Expenditure for the services of the year Eighteen Hundred and Sixty-Six not authorised in the grant for that year.
1st May, 1868.	"The Hudson Bay Titles Confirmatory Ordinance, 1868."
1st May, 1868.	An Ordinance to appropriate the sum of Three Hundred and Fifty-eight Thousand Nine Hundred and Twenty-three Dollars and Five Cents out of the General Revenue of the Colony, for the Contingent Service of the year 1868.

A.D. 1871.

Date.	Title.
23rd February, 1869.	An Ordinance to appropriate the sum of Four Hundred and Nineteen Thousand Three Hundred and Thirty-five Dollars and Fifty Cents out of the General Revenue of the Colony, for the Contingent Service of the year 1869.
1st March, 1869.	"The Harewood Colliery Company's Railway Extension Ordinance, 1869."
10th March, 1869.	An Ordinance granting a Supplemental Supply of One Hundred and Thirty-Four Thousand Four Hundred and Sixty-Five Dollars and Ninety-Eight Cents, out of the General Revenue of the Colony of British Columbia and its Dependencies, for the Contingent Service of the years 1866-7, respectively.
24th March, 1870.	An Ordinance to appropriate the sum of Three hundred and forty thousand one hundred and five Dollars seventy-five Cents, out of the General Revenue of the Colony, for the Contingent Service of the year 1870.
24th March, 1870.	An Ordinance granting a Supplemental Supply of Two hundred and one thousand five hundred and eighty-five Dollars and four Cents, out of the General Revenue of the Colony of British Columbia and its Dependencies, for the Contingent Service of the years 1868-9 respectively.

No. 162.

A.D. 1871.

An Act to Incorporate Charitable, Philanthropic, and Provident Associations.

[28th March, 1871.]

Preamble.

WHEREAS it is expedient that the establishment and maintenance of Charitable, Philanthropic, and Provident Associations should be encouraged in this community:

Be it therefore enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Any number of persons may unite and form Charitable Associations;

1. Any number of persons may unite themselves into a Society for making provision, by means of contributions, subscriptions, donations, or otherwise, against sickness, unavoidable misfortune, or death, and for relieving the widows and orphan children of members deceased.

and establish branches.

2. The members and officers of such Society may, from time to time, establish and maintain any number of branches thereof, to promote the objects herein set forth.

To have a Seal, &c.

3. Each Society shall have a common seal, and may change and alter the same at their will and pleasure, and by whatever name,

designation, number, or description the Society is known, shall have continued succession, and may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, in all Courts and places, and in all actions, suits, complaints, matters, and causes whatsoever.

A.D. 1871.

May sue and be sued, &c.

4. The members of such Societies, respectively, may nominate, choose, and appoint proper persons as Trustees, Treasurers, Secretaries, or other Officers, for conducting the business, discipline, and management of the Society; and may meet together from time to time to make, alter, rescind, or frame By-Laws, Rules, or Regulations, for the necessary government of and for conducting the business of the Society, or any branches thereof, to be approved and certified by the Registrar General of Titles as hereinafter mentioned.

May elect Officers, and make By-Laws;

to be approved by Registrar General.

5. Such By-Laws, Rules, and Regulations, shall not contain anything in violation of the Laws, Statutes, or Customs of this Colony, or be directed to the furtherance of any political or seditious object whatsoever.

By-Laws, &c., not to be in violation of existing Laws, &c.

Two transcripts of the By-Laws, Rules, and Regulations so to be from time to time framed as aforesaid, shall be lodged in the Office of the Registrar General of Titles.

Two transcripts of By-Laws, &c., to be lodged in Registrar General's Office.

If the Registrar General shall approve of such By-Laws, Rules, and Regulations, one transcript shall be filed in the Office of the Registrar General, and the other transcript shall be certified by the Registrar General as having been approved by him, and returned to the Secretary or other Officer of the Association having charge of the documents belonging to the Association. A fee of fifteen dollars shall be paid to the Registrar General, for his own use, for revising such Rules and granting such Certificate as aforesaid.

If approved, one copy to be filed, and the other certified and returned to Secretary of Association.

Fee to Registrar General.

6. Such Societies may require the Officers, Secretaries, Treasurers, and Trustees thereof, to give security for all such sums of money or other property of the Society, as may from time to time be placed in their hands or under their control, in trust for and on behalf of the objects of the Society; and all such securities, being in writing, shall be deemed good security, and admissible as evidence in any of Her Majesty's Courts of Civil and Criminal jurisdiction.

Societies may require security from their Officers.

7. The members of each of such Societies or Bodies in its locality, in the name of the Society, or in the name of the presiding or other officer or officers thereof, may acquire and take by purchase, donation, devise, or otherwise, and hold for the use of the members of the Society, and according to the Rules and Regulations thereof, all kinds of personal and also real property in this Colony, not exceeding five acres; and may sell and alienate the same, and may purchase and acquire in the stead and place thereof any other real estate not exceeding the quantity above mentioned.

May acquire personal and real property to a certain extent, and alienate same.

A.D. 1871.

A larger quantity of land may be held on licence from the Governor in Council.

It shall be lawful for each such Society to hold a larger quantity of land for any special purpose, provided a licence from the Governor in Council is obtained; but such land shall be held upon such terms, and for such purposes only, as shall be expressed in such licence.

May invest money on security of real estate.

8. Nothing in this Act contained shall prevent any such Societies from investing any moneys in their hands upon the security of mortgages upon real estate. Provided, that in cases of foreclosures, the real estate of such mortgages so foreclosed shall be immediately thereafter sold, and the proceeds thereof shall be applied to the general purposes of such Society.

On foreclosure of mortgage, real estate to be sold.

Punishment of members and officers embezzling funds.

9. If any Officer, Secretary, Treasurer, Trustee, or Member of any such Society, obtains undue possession of, misappropriates, embezzles, or withholds from the other members, officers, or other persons entitled to demand and receive the same, the whole or any portion of the funds, moneys, or other property of the Society, and continues to withhold such property after due demand has been made for the restoration and payment of the same, by some one or more of the members or officers duly appointed by and on behalf of the Body or Society, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be imprisoned for any term not exceeding three years, with or without hard labour, or suffer such other punishment by fine or imprisonment, or by both, as the Court may award.

What to be evidence.

10. The printed or written Rules of such Society, in force for the time being, so certified as aforesaid, and the appointment of any Officer, Secretary, Treasurer, Trustee, or enrolment of any Member, certified under the hand of the Presiding Officer for the time being, and the seal of the Society, and the books, minutes, and other documents of the Society, relative to any portion of the matter then in question, may be received in evidence in any proceedings in any Court of Civil or Criminal Jurisdiction, against any of the parties mentioned in the last preceding Section, charged with the offence therein stated.

Non-liability of Members.

11. No member of any such Society shall, in his individual capacity, be liable for any debt or liability of the Society.

Short Title.

12. This Act may be cited as "The Charitable Associations Act, 1871."

No. 163.

An Act for Compiling and Printing a New Edition of the Laws of the Colony of British Columbia. A.D. 1871.

[28th March, 1871.]

WHEREAS it is expedient that measures should be adopted for
 .Compiling a New Edition of the Laws of the Colony of
 British Columbia, and for Printing the same, and for omitting in
 the republication of such Edition all such Acts, Ordinances, and
 Proclamations, and parts of Acts, Ordinances, and Proclamations
 as have expired, been repealed, or had their effect: Preamble.

Be it enacted by the Governor of British Columbia, with the
 advice and consent of the Legislative Council thereof, as follows:—

1. It shall be lawful for the Governor to issue a Commission, under the Great Seal, to three persons, constituting them Commissioners for compiling and printing a new edition of the Laws of the Colony of British Columbia, and from time to time, in case of the death, or refusal, or incapacity to act of any or either of the said Commissioners, to appoint some other person or persons to be a Commissioner or Commissioners, as aforesaid, to accomplish the purposes of this Act. Authorizing the appointment of Commissioners to compile and print Laws.

2. The said Commissioners shall be and they are hereby fully authorized and empowered to prepare and arrange for publication the said new edition of the Acts, Ordinances, and Proclamations in force in the Colony of British Columbia, or any part thereof, at the time of the compilation thereof,—to omit all such Acts, Ordinances, and Proclamations, and parts of Acts, Ordinances, and Proclamations which have expired, been repealed, or had their effect, and all Acts, Ordinances, and Proclamations repealing any or any parts of any Acts, Ordinances, and Proclamations, as well as the Acts, Ordinances, and Proclamations, and parts of Acts, Ordinances, and Proclamations repealed, and the Schedules of all such repealed or repealing Acts, Ordinances, and Proclamations. Commissioners to prepare and arrange Laws, and omit all repealed Laws, &c.

3. The Commissioners may procure from competent parties, if it is considered advisable by the Governor, estimates of the expenses of printing and publishing Five Hundred Copies of the new edition of the Laws, and shall submit the same for the consideration and approval of the Governor; and the said new edition of the Acts, Ordinances, and Proclamations of British Columbia, when arranged and prepared for publication, shall be transmitted by the said Commissioners to such parties as may be appointed by the Governor to print the same; and the said Com- Commissioners may procure estimates of expenses for printing 500 copies of Laws, and submit same for approval of Governor.

A.D. 1871.

missioners shall make such arrangements for correcting the proof, and any misprints, and clerical errors in the said Acts, Ordinances, and Proclamations, and otherwise insuring the correctness and accuracy of the publication, as to them may appear desirable.

One copy of same to be sealed with Great Seal, and deposited in Supreme Court, such copy to be the original.

Copies to be evidence

Copies to be delivered to Members of the Legislature, Magistrates, &c.

Remuneration to Commissioners, Clerk, &c.

Deposit of original to be notified in Government Gazette.

Commission to be printed with Statutes.

4. One printed copy of the said corrected edition of the Acts, Ordinances, and Proclamations shall be sealed with the Great Seal of the said Colony, and attested by the signatures of the said Commissioners, and deposited in the Office of the Registrar of the Supreme Court, and shall be deemed and held to be the original of such corrected edition of the Acts, Ordinances, and Proclamations of British Columbia; and every copy of the said edition of the said Acts, Ordinances, and Proclamations, purporting to be printed under the authority of the said Commissioners, after the said original shall be so deposited as aforesaid, shall be received as evidence of such Laws, Acts, Ordinances, and Proclamations in all Courts and places whatsoever in Judicature and thereout, without further proof of any kind whatsoever.

5. The said Commissioners shall, upon the publication in British Columbia of Five Hundred Copies of the said Edition of the said Acts, Ordinances, and Proclamations, and as soon as such original shall have been so sealed, attested, and deposited as aforesaid, cause copies of such revised edition of the said Acts, Ordinances, and Proclamations to be delivered to the Members of the Legislature, Magistrates, and to such of the Public Functionaries or persons as the Governor may direct, and the remainder of such copies shall be placed in the hands of the Registrar of the Supreme Court of British Columbia, or some other person, to be disposed of at such price as shall be fixed by the Commissioners, and the proceeds thereof paid into the Public Treasury, and accounted for as part of the Public Revenue.

6. It shall be lawful for the Governor to issue his Warrant to the proper Officer of the Treasury for any sum or sums that he may think fit, as a remuneration for the said Commissioners, and for the Clerk employed by the said Commissioners, and also for such further charges and expenses as shall have been necessarily incurred, laid out, and expended (in conformity with the provisions of this Act) in the printing of the said revised edition of the said Acts, Ordinances, and Proclamations, or incident thereto.

7. Immediately upon such original being so deposited in the Office of the Registrar of the Supreme Court as aforesaid, the Commissioners shall issue a public notification thereof in the Government Gazette.

8. Any Commission or Commissions which shall be issued under this Act, shall be printed with the said Statutes of British Columbia.

9. The word "Governor" shall be construed to mean the Officer for the time being administering the Government of British Columbia. A.D. 1871.
Interpretation clause

10. This Act may be cited for all purposes as "The Revised Short Title. Statutes Act, 1871."

No. 164.

An Act to abolish Road Tolls on all Articles coming from the Interior of the Colony, in the direction of the Seaboard. A.D. 1871.

[28th March, 1871.]

WHEREAS it is desirable to encourage the transmission of Articles of Export from the Interior of this Colony : Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. From and after the passing of this Act, all cattle and all articles and things coming in the direction of the seaboard, from the interior of this Colony, whether intended for export or home consumption, for the purposes of manufacture in the Colony, or any other purpose whatsoever, shall be exempt from liability to any Road or Ferry Tolls in this Colony, payable to the use of Her Majesty, Her heirs and successors. Frees cattle and articles coming from interior from Road and Ferry Tolls.

2. In the construction of this Act the word "cattle" shall extend to and include horses, mares, fillies, foals, geldings, colts, bulls, bullocks, cows, heifers, steers, calves, sheep, pigs, mules, and asses. Interpretation Clause.

3. This Act may be cited for all purposes as "The Tolls Exemption Act, 1871." Short Title.

No. 165.

An Act to amend the "Investment and Loan Societies Ordinance, 1869." A.D. 1871.

[28th March, 1871.]

WHEREAS it is expedient to amend the "Investment and Loan Societies Ordinance, 1869 :"Preamble.

Be it therefore enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

A.D. 1871.

Repeals Section 23
of Ordinance of 1869Societies to have
different names.Who shall be a mem-
ber of any Society.Transfer of share of
deceased member
valid.To whom funds of
Society may be ad-
vanced.Value of building
placed on property
with money advan-
ced by Society, may
be estimated in ap-
praising its value,
if a bond is given
securing its erec-
tion.Amends Section 25
of Ordinance of 1869Amends Section 37
of Ordinance of 1869

1. Section 23 of the "Investment and Loan Societies Ordinance, 1869," is hereby repealed.

2. No Society shall be incorporated under the provisions of the said Ordinance, under a name identical with that by which a subsisting Society is already incorporated, or so nearly resembling the same as to be calculated to deceive.

3. Every person who shall have signed the Rules of any Society incorporated under the provisions of the said Ordinance shall be deemed to be a member of the Society.

4. Any transfer of the share or other interest of a deceased member of any Society, under the said Ordinance, made by his personal representative shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of the execution of the instrument of transfer.

5. Such Society may advance to members, other than any or either of the Directors thereof, on the security of unadvanced shares in permanent stock of the said Society, or of real property, any portion of the funds of such Society, not exceeding the amount in value of such unadvanced shares or of such real property, and may receive and take from any person or persons, or bodies corporate, any collateral, further, or additional security for any advances made as aforesaid. Provided, that if it is agreed that any building or other permanent improvement shall be placed on any such real property as aforesaid, with the moneys or other portion thereof, to be advanced by such Society, the value of such building or permanent improvement may be estimated in appraising the value of such real property, if a bond is given to such Society for the purpose of securing the erection of such building or the making of such permanent improvement.

6. Section 25 of the said Ordinance shall be and is hereby amended by striking out the word "Shareholder," and inserting the word "Member" in lieu thereof.

7. Section 37 of the said Ordinance shall be amended by striking out the whole of the remaining portion of the section after the word "until" in the sixth line thereof, and by inserting the following words:—"the principal upon which such profits have been computed, and are so found and declared, or are intended to be so found and declared, shall have been sanctioned or approved of by such Officer as the Governor or Officer Administering the Government may from time to time appoint, who shall be entitled to a fee of fifteen dollars for granting a Certificate of approval; and if any dividend shall be paid on or in respect of any share in the capital of such Society, before such principal as aforesaid shall have been sanctioned or approved as aforesaid, each of the Directors who shall

not have objected thereto, and shall not have filed his objection in writing with the Secretary or Clerk of the Society before any such payment, shall incur a penalty of five hundred dollars."

A.D. 1871.

8. A promissory note, or bill of exchange, or a receipt, or other acknowledgment for money deposited with the Society at interest, shall be deemed to have been made, drawn, endorsed, or given on behalf of the Society, if made, drawn, accepted, endorsed, or given in the name of the Society, by the President, or Vice-President, and the Treasurer of the Society.

Who may draw notes, bills of exchange, or receipts, for a Society.

9. Any such Society may, by Instrument in writing under its common seal, empower any person, in respect of any specified matter, as its Attorney to execute deeds on its behalf, and every deed signed by such Attorney on behalf of the Society, and under his seal, shall be binding on the Society and have the same effect as if it were under the common seal of the Society.

Method of appointing Attorney.

10. Any such Society may from time to time by writing under its common seal, agree to refer, and may refer to arbitration, any existing or future difference, question, or other matter whatsoever in dispute between itself and any other Society, Company, or person, in like manner as if it were Incorporated under the "Companies Ordinance, 1869;" and the Societies, parties to the arbitration, may delegate to the person or persons to whom the reference is made, power to settle any terms or to determine any matter capable of being lawfully settled or determined by the Societies themselves, or by the Directors or other managing body of such Societies.

Differences may be referred to arbitration.

11. Any summons, notice, order, or other document required to be served upon any such Society, may be served on the President, Vice-President, or Secretary, or by leaving the same, and sending a copy thereof through the post in a pre-paid letter, addressed to the Society at their registered office.

Notices, &c., how served.

12. Any document to be served by post on any such Society, shall be posted in such time as to admit of its being delivered, in due course of delivery, within the period (if any) prescribed for the service thereof; and in proving service of such document, it shall be sufficient to prove that such document was properly directed, and that it was sent as a pre-paid letter into the post office.

Documents how to be served by post on Society.

13. The term "Real Property," shall include chattels real as well as real estate.

Interpretation.

14. The "Investment and Loan Societies Ordinance, 1869," and this Act shall be construed and read together as one Act, and be cited as the "Investment and Loan Societies Act, 1869-1871."

Short Title.

No. 166

A.D. 1871. An Act to prevent Desertion from Merchant Ships,

[28th March, 1871.]

Preamble.

WHEREAS it is expedient to repeal the "Merchant Ship Desertion Ordinance, 1870," and to make the following provisions in lieu thereof:

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

Interpretation Clause.

1. In the construction of this Act, whenever in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and several matters and things as well as one matter or thing, unless it otherwise be provided, or there be something in the subject or context repugnant to such construction. The word "Ship" shall mean any Ship or Vessel other than those belonging to Her Majesty's Navy.

Repeal of "Merchant Ship Desertion Ordinance, 1870."

2. The "Merchant Ship Desertion Ordinance, 1870," is hereby repealed; provided, however, that such repeal shall not affect any liabilities incurred or existing before such repeal, but such remedies and punishments thereunder shall, notwithstanding such repeal, be capable of enforcement and imposition as if this Act had not been passed, but not further or otherwise.

Inciting Seamen to desert, or secreting same, an offence.

3. Every person who by any means whatever, persuades or attempts to persuade, or incites or attempts to incite, any Seaman or Apprentice to neglect or refuse to join, or to desert from his Ship, or otherwise to absent himself from his duty, and every person who harbors or secretes any Seaman or Apprentice who has deserted from his Ship, shall for each such offence in respect of each such Seaman or Apprentice incur a penalty not exceeding two hundred and fifty dollars, unless such person is able to prove to the satisfaction of the Stipendiary Magistrate or Justices of the Peace before whom he is summoned for an infraction of this Act, as hereinafter mentioned, that he had no means of knowing, and did not know, that the person in respect of whom the offence is charged was a Seaman or Apprentice.

Penalty.

Burden of proof on accused.

Punishable by summary conviction;

4. Every infraction of this Act shall be punishable, upon summary conviction before any Stipendiary Magistrate, or any two Justices of the Peace of British Columbia, by a penalty not exceeding two hundred and fifty dollars, or, in default of payment, by imprisonment for any period not exceeding six calendar months,

with or without hard labour, at the discretion of the Magistrate or Justices convicting.

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Provided, that nothing herein contained shall be construed to prevent the Magistrate or Justices, before whom any offender against any of the provisions of this Act shall be brought, from committing such offender for trial before any Court of Assize, or Court of Oyer and Terminer which may be held in the said Colony of British Columbia; and every such Court, and every Chief Justice and Judge thereof, or presiding thereat, shall be and is hereby fully authorized and empowered to enquire into, hear, and determine any and every such offence, and upon the conviction before any such Court of any such offender so committed for trial, the offender so committed shall be deemed guilty of a misdemeanor, and shall be sentenced to and punished by any fine not exceeding five hundred dollars, or to imprisonment in one of Her Majesty's gaols for any term not exceeding two years, and with or without hard labour, as in the discretion of the Court or Judge so convicting, the justice of the case shall seem to require.

Or by indictment as a misdemeanor.

Penalty, fine or imprisonment.

Provided, that nothing herein contained shall be construed to prevent any person committing an offence under this Act, from being arrested, tried, and convicted, under any Law or Statute, Imperial or Local, before any Court having jurisdiction over such offences, but so only that the same person shall not be punished twice for the same offence.

Not triable twice for same offence.

5. No summary conviction under this Act shall be removable by certiorari, or otherwise, into a Superior Court; nor shall any warrant of commitment upon a conviction under this Act, be held to be invalid by reason of any informality or defect, if it be therein alleged that the offender has been convicted, and there be a good and valid conviction to sustain the same.

No certiorari;

Informality not to invalidate conviction.

6. This Act may be cited for all purposes as the "Merchant Ship Desertion Act, 1871."

Short Title.

No. 167.

An Act to make provision for enquiring into Controverted Elections and Disputed Returns of Members to serve in the Legislature.

A.D. 1871.

[30th March, 1871.]

WHEREAS it is expedient to make provision for enquiring into Controverted Elections and Disputed Returns of Members to serve in the Legislature:

Preamble.

A.D. 1871.

Be it enacted by the Governor, with the advice and consent of the Legislative Council, as follows:—

Questions to be determined in accordance with Act.

1. No Election, or Return to a Writ of Election, shall be questioned except in accordance with the provisions of this Act.

Definition and jurisdiction of Court.

2. The expression the "Court" shall, for the purposes of this Act, mean the Supreme Court of British Columbia, and such Court shall, subject to the provisions of this Act, have the same powers, jurisdiction, and authority, with reference to an Election Petition and the proceedings thereon, as it would have if such Petition were an ordinary cause within its jurisdiction.

Interpretation of terms.

3. The following terms shall, in this Act, have the meanings hereinafter assigned to them, unless there is something in the context repugnant to such construction, that is to say:—

"Governor."

"Governor" shall mean the Officer for the time being administering the Government of this Colony.

"Election."

"Election" shall mean an Election of a Member or Members to serve in the Legislature.

"Candidate."

"Candidate" shall mean any person elected to serve in the Legislature at an Election, and any person who has been nominated as or declared himself a Candidate at an Election.

"Corrupt practices"

"Corrupt Practices," or "Corrupt Practice," shall mean bribery, treating, and undue influence, or any of such offences as defined by "The Corrupt Practices Prevention Act, 1871," or any other Law in force in this Colony.

"Rules of Court."

"Rules of Court" shall mean rules to be made as hereinafter mentioned.

"Prescribed."

"Prescribed" shall mean "prescribed by the Rules of Court."

Provision as to Speaker.

4. For the purposes of this Act, "Speaker" shall be deemed to include the person for the time being lawfully acting as Speaker; and when the office of Speaker is vacant, the Clerk of the Legislative Council, or any other Officer for the time being performing the duties of the Clerk of the Legislative Council, shall be deemed to be substituted and to be included in the expression "the Speaker."

To whom, and by whom, an Election Petition may be presented.

5. A Petition, complaining of an undue Return, or undue Election of a Member to serve in the Legislature for any Electoral District, may be presented to the Supreme Court of British Columbia by any one or more of the following persons:—

- (1.) Some person who voted, or who had a right to vote, at the Election to which the Petition relates; or,
- (2.) Some person claiming to have had a right to be returned or elected at such Election; or,
- (3.) Some person alleging himself to have been a Candidate at such Election;

And such Petition is hereinafter referred to as an Election Petition.

6. The following Enactments shall be made with respect to the presentation of an Election Petition under this Act:—

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Regulations as to
presentation of Elec-
tion Petition.

- (1.) The Petition shall be signed by the Petitioner, or all the Petitioners, if more than one.
 - (2.) The Petition shall be presented within twenty-one days after the Return has been made, to the Registrar of the Supreme Court, of the Member to whose Election the Petition relates, unless it questions the Return or Election upon an allegation of corrupt practices, and specifically alleges a payment of money or other reward to have been made by any Member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practices, in which case the Petition may be presented at any time within three months after the date of such payment.
 - (3.) Presentation of a Petition shall be made by delivering it to the prescribed officer, or otherwise dealing with the same in the manner prescribed.
 - (4.) At the time of the presentation of the Petition, or within three days afterwards, security for the payment of all costs, charges, and expenses that may have become payable by the Petitioner to the Member whose Election or Return is complained of (who is hereinafter referred to as the Respondent), or to any other person who may be made a Respondent under this Act, shall be given on behalf of the Petitioner.
 - (5.) The security shall be to an amount of two thousand dollars. It shall be given, either by recognizance to be entered into by any number of sureties, not exceeding four, or by a deposit of money in manner prescribed, or partly in one way and partly in the other.
7. On presentation of the Petition, the prescribed Officer shall send a copy thereof to the Returning Officer of the Electoral District to which the Petition relates, who shall forthwith publish the same in the Electoral District, in such manner as may be prescribed, or if not prescribed, in such manner as he may think fit.
8. Notice of the presentation of a Petition under this Act, and of the nature of the proposed security, accompanied with a copy of the Petition shall, within the prescribed time after the presentation of the Petition, be served by the Petitioner on the Respondent; and it shall be lawful for the Respondent, where the security is given wholly or partially by recognizance, within a further prescribed time from the date of the service on him of the notice, to object in writing to such recognizance, on the ground that the sureties, or any of them, are insufficient, or that a surety is dead, or that he cannot be found or ascertained, from the want of a sufficient description in the recognizance, or that a person named in the recognizance has not duly acknowledged the same.

Copy of Petition,
after presentation,
to be sent to Return-
ing Officer.

Recognizance may
be objected to.

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Determination of
objection to recog-
nizance.

9. Any objection made to the security given, shall be heard and decided on in the prescribed manner.

If an objection to the security is allowed, it shall be lawful for the Petitioner, within a further prescribed time, to remove such objection by a deposit, in the prescribed manner, of such sum of money as may be deemed by the Court, or Officer having cognizance of the matter, to make the security sufficient.

If, on objection made, the security is decided to be insufficient, and such objection is not removed in manner hereinbefore mentioned, no further proceedings shall be had on the Petition; otherwise, on the expiration of the time limited for making objections, or after objection made on the sufficiency of the security being established, the Petition shall be deemed to be at issue.

List of Petitions at
issue to be made.

10. The prescribed Officer shall, as soon as may be, make out a list of all Petitions under this Act presented to the Court of which he is such Officer, and which are at issue, placing them in the order in which they were presented; and shall keep at his office a copy of such list, hereinafter referred to as the Election List, open to the inspection, in the prescribed manner, of any person making application.

Such Petitions, as far as conveniently may be, shall be tried in the order in which they stand on such list.

Mode of trial of
Election Petitions.

11. The following Enactments shall be made with respect to the trial of Election Petitions under this Act:—

- (1.) Except where some question of Law is raised for the determination of the Court, as hereinafter mentioned, the Judges of the Supreme Court for the time being shall try alternately, without a jury, the Election Petitions standing for trial under this Act, unless they otherwise agree among themselves, in which case the trial of each Election Petition shall be taken in manner provided by such agreement; and every Election Petition shall, except where it raises a question of Law for the determination of the Court, as hereinafter mentioned, be tried by such Judge as aforesaid, hereinafter referred to as the Judge sitting in open Court, without a jury.
- (2.) Notice of the time and place at which an Election Petition shall be tried, shall be given not less than fourteen days before the day on which the trial is held in the prescribed manner.
- (3.) The trial of an Election Petition shall take place before such Judge as aforesaid, in Victoria. Provided, always, that if it shall appear to the Court that special circumstances exist, which render it desirable that the Petition shall be tried in the Electoral District to which such Petition relates, or elsewhere, it shall be lawful for the Court to appoint such place for the trial as shall appear most convenient.

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- (4.) The Judge presiding at the trial may adjourn the same from time to time, and from any one place to any other place, as to him may seem expedient.
- (5.) At the conclusion of the trial, the Judge who tried the Petition shall determine whether the Member whose Return or Election is complained of, or any and what other person was duly returned or elected, or whether the Election was void; and shall forthwith certify in writing such determination to the Speaker, and upon such certificate being given, such determination shall be final to all intents and purposes.

Where any charge is made in an Election Petition of any corrupt practice having been committed at the Election to which the Petition refers, the Judge shall, in addition to such certificate, and at the same time, report in writing to the Speaker, as follows:—

- (a.) Whether any corrupt practice has or has not been proved to have been committed, by or with the knowledge and consent of any Candidate at such Election, and the nature of such corrupt practice.
- (b.) The names of all persons (if any) who have been proved at the trial to have been guilty of any corrupt practice.
- (c.) Whether corrupt practices have, or whether there is reason to believe that corrupt practices have extensively prevailed at the Election to which the Petition relates.
- (6.) The Judge may at the same time make a special report to the Speaker as to any matters arising in the course of the trial, an account of which in his judgment ought to be submitted to the Legislative Council.
- (7.) Where upon the application of any party to a Petition, made in the prescribed manner to the Court, it appears to the Court that the case raised by the Petition can be conveniently stated as a special case, the Court may direct the same to be stated accordingly, and any such special case shall, as far as may be, be heard before the Court, and the decision of the Court shall be final; and the Court shall certify to the Speaker its determination in reference to such special case.

12. Provided always, that if it shall appear to the Judge, on the trial of the said Petition, that any question or questions of law as to the admissibility of evidence or otherwise require further consideration by the Supreme Court, then it shall be lawful for the said Judge to postpone the granting of the said Certificate until the determination of such question or questions by the Court, and for this purpose to reserve any such question or questions in like manner as questions are usually reserved by a Judge on a trial at nisi prius in England.

Applications to the
Court respecting
trials.

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Council to carry out
Report.

13. The Legislative Council on being informed by the Speaker of such Certificate and Report or Reports, if any, shall order the same to be entered in their Journals, and shall give the necessary directions for confirming or altering the Return, or for issuing a Writ for a new Election, or for carrying the determination into execution, as circumstances may require.

Council may make
order on Special
Report.

14. Where the Judge makes a Special Report, the Legislative Council may make such order in respect to such Special Report as they think proper.

Report of Judge,
with evidence, to be
laid before Attorney
General, for prose-
cution.

15. Where the Judge has reported to the Legislative Council that certain persons named by him have been guilty of corrupt practices, and have not been furnished by him with Certificates of Indemnity, such Report, with the evidence taken by the Judge, shall be laid before the Attorney General with a view to his instituting a prosecution against such persons, if the evidence should in his opinion be sufficient to support a prosecution.

Evidence of corrupt
practice, how re-
ceived.

16. On the trial of an Election Petition under this Act, unless the Judge otherwise directs, any charge of a corrupt practice may be gone into, and evidence in relation thereto received, before any proof has been given of agency on the part of any Candidate in respect of such corrupt practice.

Acceptance of office
not to stop petition.

17. The trial of an Election Petition under this Act shall be proceeded with notwithstanding the acceptance by the Respondent of an office of profit under the Crown.

Prorogation of
Council.

18. The trial of an Election Petition under this Act shall be proceeded with notwithstanding the prorogation of the Legislative Council.

Form of petition.

19. An Election Petition under this Act shall be in such form and state such matters as may be prescribed.

Service of petition.

20. An Election Petition under this Act shall be served as nearly as may be in the manner in which a writ or summons is served, or in such other manner as may be prescribed.

Joint respondents to
petition.

21. Two or more Candidates may be made Respondents to the same Petition, and their case may, for the sake of convenience, be tried at the same time; but for all the purposes of this Act such Petition shall be deemed to be a separate Petition against each Respondent.

Provision in cases
where more than
one petition is pre-
sented.

22. Where under this Act more Petitions than one are presented relating to the same Election or Return, all such Petitions shall in the Election List be bracketed together, and shall be dealt with as one Petition; but such Petitions shall stand in the Election List in the place where the last of such Petitions would have stood if it had been the only Petition presented, unless the Court shall otherwise direct.

23. On the trial of an Election Petition under this Act, a shorthand writer shall, on an order of the Governor in Council being made for that purpose, attend, and shall be sworn by the Judge faithfully and truly to take down the evidence given at the trial, and from time to time, as occasion requires, to write or cause the same to be written in words at length; and it shall be the duty of such shorthand writer to take down such evidence, and from time to time to write or cause the same to be written at length, but if no such shorthand writer be employed, then the evidence shall be taken down in such manner as the Court shall direct; and a copy of the evidence taken shall accompany the Certificate made by the Judge to the Speaker; and the expenses incurred under this section shall be deemed to be part of the expenses incurred in carrying out this Act.

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Shorthand writer to attend trial of Election Petition, on order of Governor.

24. The Judges of the Supreme Court may from time to time make, and may from time to time revoke and alter, General Rules and Orders (in this Act referred to as the Rules of the Court) for the effectual execution of this Act, and of the intention and object thereof, and the regulation of the practice, procedure, and costs of Election Petitions, and the trial thereof, and the certifying and reporting thereon.

Rules to be made by Court.

Any General Rules and Orders made as aforesaid shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if they were enacted in the body of this Act.

Any General Rules and Orders made in pursuance of this section shall be laid before the Legislative Council within three weeks after they are made, if the Council be then sitting, and if the Council be not then sitting within three weeks after the beginning of the then next session of the Council.

25. Until Rules of Court have been made in pursuance of this Act, and so far as such Rules do not extend, the Rules framed in England under "The Parliamentary Election Act, 1868," and so far as such last mentioned Rules do not extend, the principles, practice, and rules on which Committees of the House of Commons in England had theretofore acted in dealing with Election Petitions, shall be observed so far as may be by the Court and Judge in the case of Election Petitions under this Act.

Provisions until such Rules are made.

26. The duties to be performed by the prescribed Officer under this Act, shall be performed by the Registrar or Deputy Registrar of the Supreme Court as may be determined by the Chief Justice of the said Court; and there shall be awarded to such Registrar or Deputy Registrar, in addition to his existing Salary, such remuneration for the performance of the duties imposed on him in pursuance of this Act, as the Chief Justice of the said Court may, with the consent of the Governor in Council, determine; and the amount so awarded shall be deemed to be part of the expenses incurred in carrying out this Act.

Performance of duties by prescribed Officer.

Remuneration.

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Power of Judge.

27. On the trial of an Election Petition under this Act, the Judge shall, subject to the provisions of this Act, have the same powers, jurisdiction, and authority, as when sitting for the trial of civil or criminal cases, and the Court held by him shall be a Court of Record.

Attendance on Judge.

28. The Judge shall be attended on the trial of an Election Petition under this Act, in the same manner, and shall have the same allowance for travelling and other expenses, from time to time, as if he were sitting for the trial of civil or criminal cases, and the expenses of such attendance, and the travelling and other expenses and allowances of the Judge shall be deemed to be part of the expenses incurred under this Act.

Expenses, &c.

Summons of witnesses.

29. Witnesses shall be subpœnaed and sworn in the same manner, as nearly as circumstances admit, as in a trial of a civil case, and shall be subject to the same penalties for perjury.

Judge may summon and examine witnesses.

30. On the trial of an Election Petition under this Act, the Judge may, by order under his hand, compel the attendance of any person as a witness who appears to him to have been concerned in the Election to which the Petition refers; and any person refusing to obey such order shall be guilty of contempt of Court.

The Judge may examine any witness so compelled to attend, or any person in Court, although such witness is not called and examined by any party to the Petition. After the examination of a witness as aforesaid by a Judge, such witness may be cross-examined by or on behalf of the Petitioner and Respondent, or either of them.

Indemnity to witnesses.

31. No person who is called as a witness before any Judge on the trial of an Election Petition under this Act, shall be excused from answering any question relating to any corrupt practice at or connected with any Election forming the subject of such enquiry by such Judge, on the ground that the answer thereto may criminate or tend to criminate himself. Provided, always, that where any witness shall answer every question relating to the matters aforesaid, which he shall be required by such Judge to answer, and the answer to which may criminate or tend to criminate him, he shall be entitled to receive from the Judge a Certificate under the hand of such Judge, stating that such witness was, upon his examination, required by the said Judge to answer questions or a question relating to the matters aforesaid, the answers or answer to which criminated or tended to criminate him, and had answered all such questions or such question; and if any information, indictment, or action, be at any time thereafter pending in any Court against such witness, for any offence under "The Corrupt Practices Prevention Act, 1871," or any other Law in force in this Colony, or for which he might have been prosecuted under the said Act, or under any other Law as aforesaid, committed by him previously to the time of his giving his evidence, and at or in relation to the

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Election concerning or in relation to which the witness may have been so examined, the Court shall, on production and proof of such Certificate, stay the proceedings in such last mentioned information, indictment, or action, and may at its discretion award to such witness such costs as he may have been put to in such information, indictment, or action. Provided, that no statement made by any person in answer to any question put by such Judge shall, except in cases of indictments for perjury, be admissible in evidence in any proceeding, civil or criminal.

32. The reasonable expenses incurred by any person in appearing to give evidence at the trial of an Election Petition under this Act, according to the scale allowed to witnesses on the trial of civil actions, may be allowed to such person by a Certificate under the hand of the Judge or of the prescribed Officer, and such expenses, if the witness was called and examined by the Judge, shall be deemed part of the expenses incurred under this Act, and in other cases shall be deemed to be costs of the Petition.

Expenses of witnesses.

33. Upon its appearing to any such Judge, from the nature of the case and the number of witnesses to be examined relative to any particular allegation or allegations in the Election Petition, that the same cannot be effectually enquired into before such Judge without great inconvenience and expense to the parties or either of them, the said Judge may, upon application of any of the parties before the said Judge at any period during the course of his proceedings upon such Petition, make an order for the nomination and appointment of a Commission to examine witnesses in the manner prescribed. The Commission shall be directed to such person as the said Judge shall appoint for the purpose, and the powers and authorities of the Commissioner, the proceedings before such Commissioner, and the return of the Commissioner, shall all be as prescribed; and the expenses attending the execution of such Commission shall be considered as expenses incurred under this Act.

Judge may appoint a Commissioner to examine witnesses.

34. An Election Petition under this Act shall not be withdrawn without leave of the Court or Judge, upon special application to be made in, and at the prescribed manner, time, and place.

Withdrawal of Petition, and substitution of new Petitioners.

No such application shall be made for the withdrawal of a Petition until the prescribed notice has been given in the Electoral District to which the Petition relates, of the intention of the Petitioner to make an application for the withdrawal of his Petition.

On the hearing of the application for withdrawal, any person who might have been a Petitioner in respect of the Election to which the Petition relates, may apply to the Court or Judge to be substituted as a Petitioner for the Petitioner so desirous of withdrawing the Petition.

The Court or Judge may, if it or he think fit, substitute as a Petitioner any such applicant as aforesaid, and may further, if the

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proposed withdrawal is in the opinion of the Court or Judge induced by corrupt bargain or consideration, by order direct that the security given on behalf of the original Petitioner shall remain as security for any costs that may be incurred by the substituted Petitioner, and that to the extent of the sum named in such security, the original Petitioner shall be liable to pay the costs of the substituted Petitioner.

If no such order is made with respect to the security given on behalf of the original Petitioner, security to the same amount as would be required in the case of a new Petition, and subject to the like conditions, shall be given on behalf of the substituted Petitioner before he proceeds with his Petition, and within the prescribed time after the order of substitution.

Subject as aforesaid, a substituted Petitioner shall stand in the same position as nearly as may be, and be subject to the same liabilities, as the original Petitioner.

If a Petition is withdrawn, the Petitioner shall be liable to pay the costs of the Respondent.

Where there are more Petitioners than one, no application to withdraw a Petition shall be made, except with the consent of all the Petitioners.

Court to report to Speaker circumstances of withdrawal.

35. In every case of the withdrawal of an Election Petition under this Act, the Court or Judge shall report to the Speaker whether, in its or his opinion, the withdrawal of such Petition was the result of any corrupt arrangement, or in consideration of the withdrawal of any other Petition, and if so, the circumstances attending the withdrawal.

Abatement of Petition.

36. An Election Petition under this Act shall be abated by the death of a sole Petitioner or of the survivor of several Petitioners.

The abatement of a Petition shall not affect the liability of the Petitioner to the payment of costs previously incurred.

On the abatement of a Petition, the prescribed notice of such abatement having taken place shall be given in the Electoral District to which the Petition relates; and within the prescribed time after the notice is given any person who might have been a Petitioner in respect of the Election to which the Petition relates, may apply to the Court or Judge in, and at the prescribed manner, time, and place to be substituted as a Petitioner.

The Court or Judge may, if it or he think fit, substitute as a Petitioner any such applicant who is desirous of being substituted, and on whose behalf security to the same amount is given as is required in the case of a new Petition.

Admission, in certain cases, of Voters to be Respondents.

37. If, before the trial of any Election Petition under this Act, any of the following events happen in the case of any Member whose Election or Return is complained of (that is to say):—

(1.) If he dies:

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(2.) If the Legislative Council have resolved that his seat is vacant:

(3.) If he gives in, and at the prescribed manner and time, notice to the Court that he does not intend to oppose the Petition.

Notice of such event having taken place shall be given in the Electoral District to which the Petition relates, and within the prescribed time after the notice is given, any person who might have been a Petitioner in respect of the Election to which the Petition relates, may apply to the Court or Judge to be admitted as a Respondent to oppose the Petition, and such person shall on such application be admitted accordingly, either with the Respondent, if there be a Respondent, or in place of the Respondent and any number of persons not exceeding three may be so admitted.

38. A Respondent who has given the prescribed notice that he does not intend to oppose the Petition, shall not be allowed to appear or act as a party against such Petition in any proceedings thereon, and shall not sit or vote in the Legislative Council until the Certificate and report or reports (if any) of the Court or Judge have been entered on the Journals of the Legislative Council as aforesaid, and the Council have given a decision therein in favour of such Respondent; and the Court or Judge shall, in all cases in which such notice has been given in the prescribed time and manner, report the same to the Speaker of the Legislative Council.

Respondent not opposing not to appear as party, or to sit.

Exceptions.

39. All costs, charges, and expenses of and incidental to the presentation of a Petition under this Act, and to the proceedings consequent thereon, with the exception of such costs, charges, and expenses, as are by this Act otherwise provided for, shall be defrayed by the parties to the Petition, in such manner and in such proportions as the Court or Judge may determine, regard being had to the disallowance of any costs, charges, and expenses, which may in the opinion of the Court or Judge have been caused by vexatious conduct, unfounded allegations, or unfounded objections, on the part either of the Petitioner or the Respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

General costs of Petition.

The costs may be taxed in the prescribed manner, but according to the same principles as costs between Attorney and Client are taxed in a suit in the Court of Chancery; and such costs may be recovered in the same manner as the costs of an action at Law, or in such other manner as may be prescribed.

40. If any Petitioner in an Election Petition presented under this Act, neglects or refuses for the space of six months after demand, to pay to any person summoned as a witness on his behalf

Recognizance when to be estreated, &c.

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or to the Respondent, any sum certified to be due to him for his costs, charges, and expenses; and if such neglect or refusal be within one year after such demand, proved to the satisfaction of the Supreme Court, in every such case every person who has entered into a recognizance relating to such Petition under the provisions of this Act, shall be held to have made default in his said recognizance, and the prescribed Officer shall thereupon certify such recognizance to be forfeited, and the same shall be dealt with in manner provided by the Act of the United Kingdom of Great Britain and Ireland, of the third year of the reign of King George the Fourth, chapter forty-six, or as near thereto as local circumstances will permit.

Punishment of Candidate guilty of bribery.

41. Where it is found by the report of the Judge upon an Election Petition under this Act, that Bribery has been committed by or with the knowledge and consent of any Candidate at an Election, such Candidate shall be deemed to have been personally guilty of bribery at such Election, and his Election if he has been Elected shall be void, and he shall be incapable of being Elected to and of sitting in the Legislature, during the seven years next after the date of his being found guilty, and he shall further be incapable during the said period of seven years,

- (1.) Of being registered as a Voter, and voting at any Election in British Columbia; and
- (2.) Of holding any Municipal office; and
- (3.) Of holding any Judicial office; and of being appointed and of acting as a Justice of the Peace.

Penalty for employing corrupt agent.

42. If on the trial of any Election Petition under this Act, any Candidate is proved to have personally engaged at the Election to which such Petition relates, as a Canvasser or Agent for the management of the Election, any person knowing that such person has within seven years previous to such engagement been found guilty of any corrupt practice by any competent legal tribunal, or been reported guilty of any corrupt practice by the report of the Judge upon an Election Petition under this Act, the Election of such Candidate shall be void.

Disqualification of bribery.

43. Any person, other than a Candidate, found guilty of bribery in any proceeding in which, after notice of the charge, he has had an opportunity of being heard, shall, during the seven years next after the time at which he is so found guilty, be incapable of being elected to and sitting in the Legislative Council, and also be incapable

- (1.) Of being registered as a Voter, and voting at any Election in British Columbia; and
- (2.) Of holding any Municipal office; and
- (3.) Of holding any Judicial office; and of being appointed and of acting as a Justice of the Peace.

44. For the purpose of disqualifying, in pursuance of the 18th Section of "The Corrupt Practices Prevention Act, 1871," a Member guilty of corrupt practices, other than personal bribery within the 41st Section of this Act, the report of the Judge on the trial of an Election Petition, shall be deemed to be competent authority within the meaning of the said Act, and the said Section shall be construed as if the words "reported by a Judge on the trial of an Election Petition" were inserted therein, in place of the words "declared by any competent authority."

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As to disqualification of Members for corrupt practices.

45. If, at any time, after any person has become disqualified by virtue of this Act, the witnesses, or any of them, on whose testimony such person shall have so become disqualified, shall, upon the prosecution of such person, be convicted of perjury in respect of such testimony, it shall be lawful for such person to move the Court to order, and the Court shall, upon being satisfied that such disqualification was procured by reason of perjury, order that such disqualification shall thenceforth cease and determine, and the same shall cease and determine accordingly.

Removal of disqualification on proof that disqualification was procured by perjury.

46. If any Returning Officer wilfully delays, neglects, or refuses duly to return any person who ought to be returned to serve in the Council for any Electoral District, such person may, in case it has been determined on the hearing of an Election Petition under this Act that such person was entitled to have been returned, sue the Officer having so wilfully delayed, neglected, or refused duly to make such return at his Election, in the Supreme Court, and shall recover double the damages he has sustained by reason thereof, together with full costs of suit; provided, such action be commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of the trial relating to such Election.

Returning Officer may be sued for neglecting to return any person duly elected.

47. In reckoning time for the purposes of this Act, Sunday, Christmas Day, and Good Friday, and any day set apart for a public holiday shall be excluded.

Calculation of time.

48. Where an Election Petition under this Act complains of the conduct of a Returning Officer, such Returning Officer shall for all the purposes of this Act, except the admission of Respondents in his place, be deemed to be a Respondent.

Returning Officer, if complained of, to be Respondent.

49. A Petition under this Act complaining of no return, may be presented to the Court, and shall be deemed to be an Election Petition within the meaning of this Act, and the Court may make such order thereon as they think expedient for compelling a return to be made, or may allow such Petition to be heard by the Judge in manner hereinbefore provided with respect to ordinary Election Petitions.

Petition complaining of no Return.

50. On the trial of a Petition under this Act, complaining of an undue return, and claiming the seat for some person, the Respon-

Recrimination when Petition for undue Return.

A.D. 1871.

dent may give evidence to prove that the Election of such person was undue, in the same manner as if he had presented a Petition complaining of such Election.

Commissioners to inquire into corrupt practices.

51. If upon a Petition to the Council, presented within twenty-one days after the return, to the Registrar of the Supreme Court, of a Member to serve in the Council for any Electoral District, or within fourteen days after the meeting of the Council, and signed by two or more Electors of such District, and alleging that corrupt practices have extensively prevailed at the then last Election for such District, or that there is reason to believe that corrupt practices have there so prevailed, or if upon the Judge making a Report to that effect to the Council, as hereinbefore provided, an address be presented by the Council to the Governor, praying that such allegation may be inquired into, the Governor may appoint Commissioners to enquire into the same, and if such Commissioners in such case be appointed, they shall inquire in the same manner, and with the same powers, and subject to all the provisions of the Statute of the Parliament of Great Britain and Ireland of the 15th and 16th of Victoria, Chapter 57, or as near thereto as circumstances will permit, until the Legislature of this Colony shall see fit to make provision for the regulation of such enquiries.

Governor authorized to defray expenses of Act.

52. The Governor in Council is hereby authorized to defray all expenses incurred under this Act, and also the expenses attending the execution of any such Commission as last aforesaid, by his warrant to the proper officer of the Treasury.

No Petition to be presented until first Election after Register of Voters completed.

53. No Election Petition shall be presented under this Act until the first Election shall be held after the Register of Voters, under "The Qualification and Registration of Voters' Act, 1871," is completed and delivered to the Returning Officer as in the said Act is provided in that behalf, and until such first Election takes place as aforesaid the Return of the Returning Officer to any Writ of Election shall be final and conclusive to all intents and purposes.

Act to be taken to apply to "The Constitution Act, 1871."

54. This Act shall be taken to apply to "The Constitution Act, 1871," passed in the present Session, if, and when the same comes into operation in this Colony, as fully and effectually to all intents and purposes, as if "The Constitution Act, 1871," had been actually in operation upon the passing of this Act, and as if the words "Legislative Assembly" had been substituted for the words "Legislative Council" throughout this Act.

Short Title.

55. This Act may be cited for all purposes as "The Trial of Controverted Elections Act, 1871."

No. 168.

An Act to exempt (in certain cases) Cattle farmed on shares, and their increase, from the operation of any Bankruptcy or Insolvency Laws.

A.D. 1871.

[30th March, 1871.]

WHEREAS it is expedient that encouragement should be given to the keeping and raising of Cattle in British Columbia: Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. In all cases where any person shall entrust another with Cattle to be kept and farmed on shares by such other, and where the agreement between the said parties, or a true copy thereof, together with an affidavit by the parties to the agreement, of the residence and also of the occupation (if any) of the parties to the agreement, and of the bona fide nature thereof, and of the number of each description of animal so to be entrusted, and of the brand or other distinctive mark on each of the animals for the time being so entrusted, and also of what the owner's brand or mark consists, is registered by being left in the Office of the Registrar General of Titles in Victoria, if the Cattle referred to in the agreement is to be kept and farmed in Vancouver Island, or if the Cattle referred to in the agreement is to be kept and farmed in any other part of British Columbia, then by being left in the Office of the Stipendiary Magistrate of the District in which the land on which the said Cattle are intended to be farmed and kept is situated, or in the Office of some other person appointed in that behalf, within thirty days after the delivery of the Cattle to the farmer, or within thirty days after the signing of the said agreement by either of the parties thereto whichever shall first happen. And where notice of the agreement shall within the thirty days aforesaid be given in manner herein-after provided, the Cattle and all substituted Cattle, and the share or interest of the owner of the Cattle and substituted Cattle, in the increase thereof respectively, shall be deemed to be in possession of such owner, and shall not be affected by any Law now or hereafter to be in force in British Columbia relating to Bankruptcy or Insolvency, in consequence of the farmer or other person in whose actual possession the same may be, being the reputed owner thereof. Provided, that no substituted Cattle shall be protected from the operation of any such Law, unless such Cattle shall have been branded or marked before the time at which any such Law would otherwise affect the same.

Agreement to farm Cattle to be registered.

After notice, Cattle to be deemed to be in possession of owner.

2. Substituted Cattle shall not be deemed to have been branded Substituted Cattle to

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be branded as described in affidavit.

Form of affidavit to accompany agreement.

False oath perjury.

Notice to be advertised.

Registrar General to publish list of agreements in Government Gazette.

Provision as to Cattle not handed over at time of registration.

Registrar General to enter particulars of agreement in Register.

or marked, until branded or marked with the brand or mark mentioned in the affidavit to be registered as aforesaid, as being the brand or mark of the owner of the Cattle described in the affidavit.

3. The affidavit aforesaid may be in the Form marked A., in the Schedule hereto, and may be taken by and be made before the Registrar General, or Stipendiary Magistrate, or other person as aforesaid, or by and before any Judge, Justice of the Peace, Registrar, Deputy Registrar, or Clerk of a Court having a seal, or by and before any Notary Public practising within the Colony; and any person making a false affidavit shall be deemed guilty of perjury, and may be punished accordingly.

4. Every notice required by this Act shall, before the expiration of the time prescribed for the giving of such notice, be advertised for one week, at least, in one or more of the daily or other newspapers published in Vancouver Island, or other part of the Colony as aforesaid; and the notice shall be headed "Cattle farmed on Shares," and may be in the Form B., in the Schedule hereto; but there shall be set forth therein the date of the agreement, the names and places of abode of the parties thereto, and also the name of the farmer, and the number of each description of Cattle to be farmed.

5. A list of all such agreements as are in force, shall be published in the Government Gazette, during the month of January in each year, by the Registrar General.

6. In cases where by any agreement, or a copy whereof, is registered under this Act, a certain number of Cattle is agreed to be entrusted as aforesaid, and such Cattle shall not have been entrusted to the farmer at the time of the registering of the agreement, or copy thereof, and described in the affidavit registered therewith, the Cattle aforesaid, which shall at any time or times thereafter be entrusted in pursuance of the agreement, and shall be described by the parties thereto in an affidavit registered in the Office aforesaid, shall not be affected by any Law aforesaid relative to Bankruptcy or Insolvency, in consequence of the farmer or other person, in whose actual possession the same may be, being the reputed owner thereof, if the affidavit (which may be in the Form C., in the Schedule hereto) is registered in the Office aforesaid, within thirty days after the entrusting of any of the Cattle which shall have been subsequently entrusted, and the number of each description of Cattle intended to be thereby protected, and the date of the entrusting of the same respectively, and also the brand or other distinctive mark on each animal is set forth in the affidavit.

7. The said Registrar General, and every Stipendiary Magistrate, and other person as aforesaid, immediately on receiving any such

agreement (or copy thereof) and affidavit for registration, shall enter particulars thereof in a Register to be kept by him for that purpose, and such entry shall be made in Form B., in the Schedule hereto.

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8. When such agreement, or copy thereof, with affidavit as aforesaid, is left in the Office of the Stipendiary Magistrate, or other person as aforesaid, the agreement shall not be deemed to have been registered until a copy of the documents intended to be registered shall also have been left in the same Office, and such copy shall, when received, be forwarded by the first opportunity, free of charge, by the Magistrate, or other person as aforesaid, to the Registrar General, to be deposited in his Office.

Agreement and copy to be kept with Magistrate, and a copy to be sent to Registrar General.

9. The said Registrar General, and every Stipendiary Magistrate, and other person as aforesaid, shall be entitled to receive for registering every agreement, or a copy thereof, and affidavit as aforesaid (including the taking of any affidavit) the sum of two dollars, and no more; and any person shall be entitled to search the Register on payment of the sum of twenty-five cents for each search.

Fees for registration.

10. The Registrar General and Stipendiary Magistrate and other person appointed as aforesaid, shall keep an Index Book showing, in alphabetical order, the names of all farmers holding Cattle under agreements registered in his office, and the Registrar General shall also keep an Index Book in manner aforesaid, of all duplicates of agreements or copies as aforesaid, transmitted to him as hereinbefore provided.

Index books to be kept, showing names of persons holding Cattle under agreements.

11. Any agreement may be cancelled on application of the parties thereto, or on an order to be obtained for that purpose from a Judge of the Supreme or County Court, who is hereby authorized to make such order, in such manner, and on such terms as he shall think fit.

Provision as to cancellation of agreement.

The production of an office copy of such order, shall be sufficient authority for the proper Officer to enter a memorandum of cancellation on any agreement, or copy thereof, as aforesaid.

Every such order shall be filed by the Officer aforesaid, and a fee of fifty cents charged therefor.

Fee.

12. In the construction of this Act the word "Cattle" shall extend to and include horses, mares, fillies, foals, geldings, colts, bulls, bullocks, cows, heifers, steers, calves, sheep, pigs, mules, and asses.

Interpretation Clause.

The word "Farmer" shall mean and include any person to whom Cattle shall be entrusted to be kept and farmed on shares.

The word "Substituted Cattle" shall mean and include any

A.D. 1871.
—

Cattle substituted for any of the Cattle which shall have been entrusted to a farmer for the purposes aforesaid.

The word "Increase" shall mean and include the issue of "Cattle" and of "Substituted Cattle," or of either.

Short Title.

13. This Act may be cited as the "Cattle Exemption Act, 1871."

SCHEDULE.

FORM A.

I, _____ of _____ make oath and say as follows:—

1. The agreement [*or a copy whereof is*] hereto annexed, and marked A., was signed by us *A. B.* on the _____ day of _____ 18____, and *C. D.*, on the _____ day of _____ 18____; and I the said *A. B.*, then resided at _____, and was* _____, and the said *C. D.*, then resided at _____, and was† _____ as I

2. The Cattle to be farmed by _____, of _____, on the terms in the agreement mentioned are _____ cows, _____ bulls, and _____; of this Cattle _____ cows only had up to and inclusive of the _____ day of _____, been entrusted to the said _____.

3. And we the said _____ further make oath and say that the Cattle aforesaid was, at the date of the execution of the said agreement, the absolute property of me the said _____, and was and is bona fide intended to be farmed according to the true meaning of the said agreement.

4. The animals which have been so entrusted, are respectively branded or marked as follows:—[*set forth the brand or descriptive mark on each animal.*]

The brand of _____ the said _____ is _____ and (his) mark is _____

* If not in any business or employment state so.

† City, District, or Island, or otherwise, as the case may be.

FORM B.

A.D. 1871.

Cattle Farmed on Shares.

NOTICE OF AGREEMENT.

PARTIES.				CATTLE.	FARMER.
Name.	Residence.	Occupation.	Date.	No. of each description.	Name of

(Signed) A. B.,
C. D.

FORM. C.

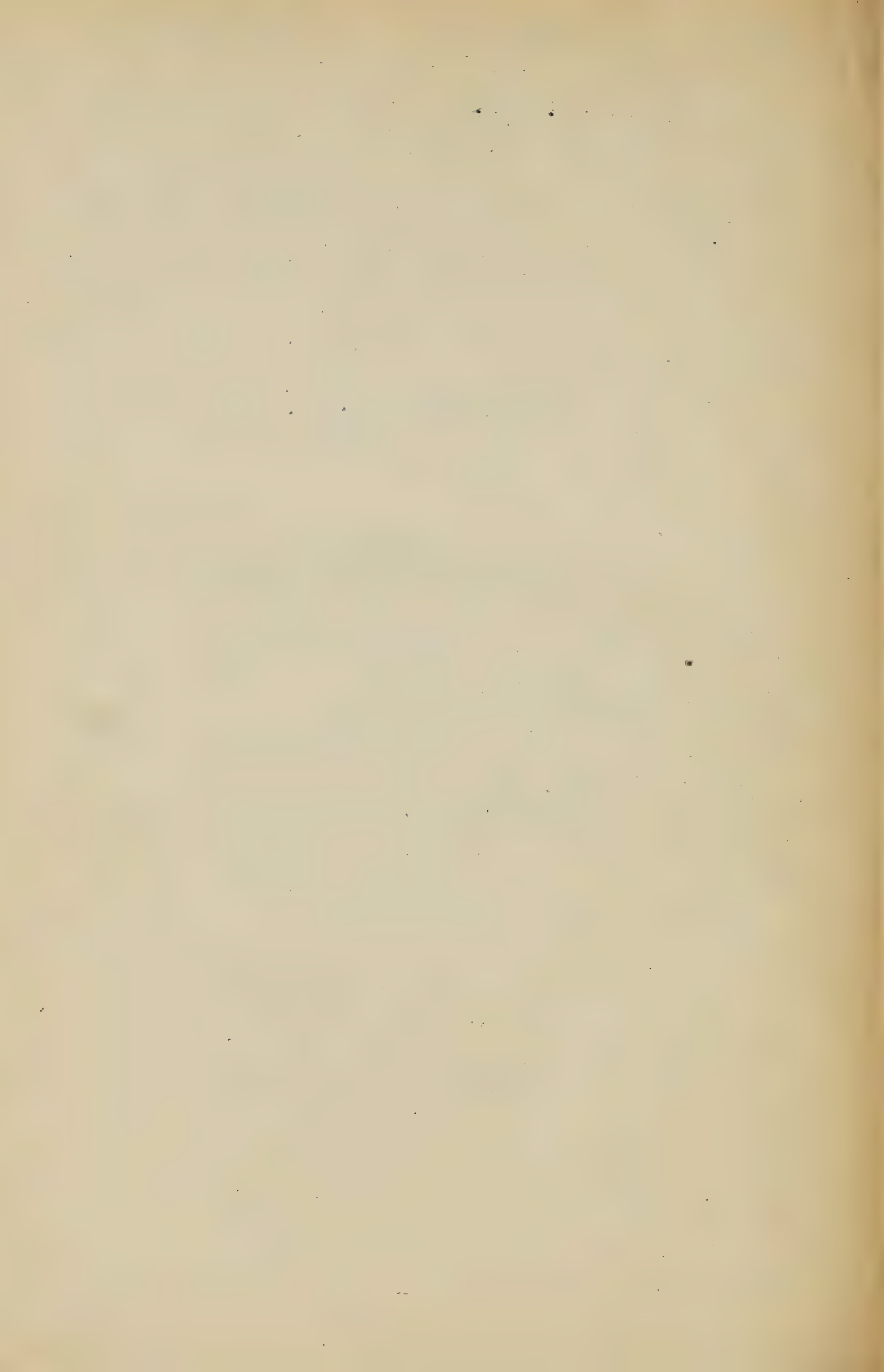
I, of make oath and say as follows:—

1. The Cattle entrusted to the keeping of C. D., on the day of 18 , and on the day of 18 , to be farmed by him on the terms of the agreement (dated the day of , and made between A. B. and C. D.,) Registered in the Office of on the day of , are cows, bulls, and sheep.

2. The animals which have been so entrusted are respectively branded or marked as follows:—[set forth the brand or descriptive mark on each animal.]

3. The brand of the said A. B., is and (his) mark is

Sworn before me, this day of 18 .



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IN FORCE AT THE
DATE OF UNION WITH CANADA.

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NOTE.

An Appendix containing—

1st.—Such of the Colonial Laws as will, though repealed, be found useful for reference;

2nd.—Imperial Statutes affecting British Columbia; and,

3rd.—The Charter of Grant of Vancouver Island, and reconveyance thereof to the Crown;

has been prepared, and will be published in a separate Volume before the close of the year.

H. P. P. C.,

G. P.,

E. G. A.

